

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 19, 2001

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:05 a.m. on Monday, March 19, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Lisa Davis Cook
Randal Giannetto – Arrived at 1:00 P.M.
Darrell Hanson
Rozanne King
Gary Priebe
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

James Braun will not be here due to scheduling conflict.
Kathryn Murphy, Vice-Chair will not be here due to work conflict.

ADOPTION OF AGENDA

Motion was made by Darrell Hanson to approve the agenda as presented. Seconded by Rozanne King. Motion carried unanimously

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Rita Venner to approve the February 19, 2001 minutes as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Jeff Vonk said he comes to Des Moines most recently from California where he was a State Conservationist for the USDA's Natural Resources Conservation Service (NRCS). He had worked for NRCS over twenty years, ten of which were in leadership positions. He spent four years in Iowa as State Conservationist in the early nineties. Those years were the implementation years of conservation compliance as the result of the '85 Farm Bill. This allowed him the opportunity to work with farmers on environmental improvement and

conservation on their farm so that they would remain eligible for USDA program benefits. He has worked with farmers around the country in developing land and water stewardship activities on a voluntary and incentive-based basis. He is experienced in building coalitions around issues and intends to use those skills in this position. He takes the responsibilities that are assigned to the director of this department and the State's top environmental official very seriously. He knows that there are a lot of environmental issues and he will work hard and remain fair, firm and professional when dealing with them. His goal is to achieve improved environmental conditions in Iowa and he intends to do that by working with and listening to all interest groups.

DNR RULES ASSESSMENT REPORT

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

The Department is in the process of making improvements to its administrative rules so that they are up-to-date and current, meet present and future needs, are plain-spoken, direct, productive and are necessary to carry out the laws of Iowa and the federally mandated programs. This effort is at the direction of the Governor and is scheduled to be complete by December 31, 2002.

A major portion of this effort was assessment of all the Department's rules on a chapter-by-chapter basis. The assessment involved input from major stakeholders and other interested constituencies, Department staff and management. The attached report is a summary of the results of this assessment effort and is available to the public on the DNR rules web page (<http://www.state.ia.us/dnr/other/rules.htm>).

This report is attached for your information.

(A copy of the Rules Assessment Report is available in the Department's Record Center)

Linda Hanson said this is the assessment report that the Department is required to submit to the Governor's office, which describes the Department plans for the revision of its rules. Out of 200 different chapters of rules, 13 will be rescinded, 122 will not be changed, 60 will have minor modifications, and 12 chapters will under major modifications. She said the Governor's goal is to make the rules more understandable and to remove any ambiguity or redundancies. There were 44 public meetings held across the state during the process of reviewing the Department's rules inventory. She said the Department has had good public participation and as they go forward with the rules review process they will be again inviting public participation. As part of the report the Department attempted to estimate the amount of time and the cost of that time involved to continue the rules review/revision. She said there was a correction on page six of the executive summary, under the "Background Information" in the last line of the first paragraph, which says "the report must be submitted to the Governor's office in December, 1992," the year should be 2002. Linda Hanson said she would like to acknowledge Christine Spackman from the Environmental Protection Division who has played a significant role in working with the various divisions and preparing the assessment and in the process that continues.

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RESCISSION OF CHAPTERS 101 AND 109 AND ESTABLISHMENT OF A NEW CHAPTER 101: SOLID WASTE COMPREHENSIVE PLANNING

Liz Christiansen, Division Administrator, Land Quality and Waste Management Assistance Division presented the following item.

The Commission is requested to rescind chapters 101, "General Requirements Relating to Solid Waste Management and Disposal," and 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," and approve a new chapter 101, "Solid Waste Comprehensive Planning Requirements." In accordance with the Governor's Executive Order No. 8, DNR is reviewing its administrative rules to ensure that "they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement and consistency with legislative intent and statutory authority." As part of this process and as a result of extensive stakeholder input, the comprehensive planning unit is revising chapters 101 and 109. Chapter 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," is being incorporated into chapter 101.

Staff has worked with stakeholders for nearly two years to streamline and update the comprehensive planning process as part of Waste Management Assistance Division strategic planning. The proposed changes are the outcome of this process. Along with the rule revision, the guidance document, "Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems," has also been revised. The guidance document revisions reflect changes in the rules and provide assistance in filing comprehensive plans, including an online submittal system. Online submittal will enable stakeholders to file a portion of the comprehensive plan through the internet and will assist in building a database that will enable WMAD staff to better plan for future solid waste concerns.

The new rules will impact the next comprehensive plan cycle, which begins July 1, 2001.

A public hearing was held December 8, 2000 via ICN. Eight different cities were included in the public hearing. Twenty-two individuals attended the public hearing and comments were received from fifteen individuals or organizations. The comments have been addressed in a responsiveness summary, attached.

At this time, the Commission is requested to rescind chapters 101, "General Requirements Relating to Solid Waste Management and Disposal," and 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," and adopt a new chapter 101, "Solid Waste Comprehensive Planning Requirements."

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.304, 455B.306, and 455D.7, the Environmental Protection Commission hereby rescinds Chapter 101, "General Requirements Relating to Solid Waste Management and Disposal," and Chapter 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," and adopts new Chapter 101, "Comprehensive Solid Waste Planning Requirements." The guidance document, "Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems," which provides additional assistance to those filing comprehensive plans and is adopted by reference herein, has also been updated.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 15, 2000. A public hearing was held via ICN on December 8, 2000. A total of eight sites were included in the public hearing. Notices of the public hearing were sent to a variety of stakeholder groups, individuals, organizations, and associations. Additionally staff conducted six workshops, one in each field office, providing details of the new rule, guidance document and planning process. Fifteen individuals or organization provided comments during the public comment period and these comments have been addressed in a responsiveness summary. A copy of the responsiveness summary may be obtained from the Department of Natural Resources.

Based upon public comments, the adopted rules have been modified from those published under the Notice of Intended Action. Modifications include” the addition of several definitions, clarification of the language pertaining to the duty of cities and counties to provide an alternative disposal site, clarification of requirements for plan updates, the removal of initial plan requirements from the hard-copy portion of the guidance document, and clarification regarding the use of the program planning tool within the guidance document. Specific changes made in response to comments received are detailed in the responsiveness summary.

These rules were adopted by the Environmental Protection Commission on March 25, 2001.

These rules are intended to implement Iowa Code sections 455B.304, 455B.306 and 455D.7.

These rules will become effective on May 23, 2001.

(The proposed rules and the DNR’s Responsiveness summary are available in the Department’s record center.)

Liz Christiansen said comprehensive planning is the backbone of what they do in waste management, it provides the structure at both the state and the local level for meeting the 25 and 50% waste reduction goals. She provided samples to the Commission of some comprehensive plans that were prepared by various entities and gave a brief description of what is required in them. She gave a presentation to explain the background and the process for these rule revisions. She said overall, the process has resulted in clearer language, better organized and more responsive set of rules for the people out in the field. She thanked Jane Mild and Laura Juliano and Tammy Krausman for their efforts throughout this process. She said because staff took their time in going through these rules and because she had wanted the Commission to have ample time to review the changes, if the rules are not approved by March 25th the process will need to be restarted.

PUBLIC PARTICIPATION

Jane McAllister, Attorney representing Waste Management said although they feel the staff has done an excellent job on trying to clarify the roles of all of the parties in comprehensive planning, it is still not clear to the private landfill owners what their role will be in comprehensive planning. Traditionally, private landfills have had to submit a comprehensive plan, but there is some litigation pending that could affect this rule. She said her organization has been in contact with staff at the DNR, who is willing to meet with them to try to work out these issues.

Kathy Morris, Director of Waste Commission of Scott County said she would like to address the Commission on the behalf of the bi-state regional planning area, which encompasses Jackson, Cedar, Clinton, Muscatine and Scott County. She said the revision of these rules was a long and hard process, but one that she feels worked out fairly well. Their organization appreciated the consideration that had been given to their comments and the fact that a lot of the comments were incorporated in to the final rule. However there were three things that they wished had been incorporated, the first one was the overall purpose of comprehensive plans. The existing rule states the purpose as “the development of the specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize adverse environmental impact.” The proposed change is to “provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste in a sanitary landfill.” She said they feel that the original language is much more appropriate for the purpose of these comprehensive planning rules. The second issue they had is in regard to the duties of cities and counties. According to the opinion of their legal council this is broader than the statute. The current rule, which states “Every city and county of this state shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the waste management hierarchy and a sanitary disposal project for the final disposal of solid waste by its residents” was consistent to the statute. She said her organization strongly believes that the language from the statute in the current rule clearly encompasses the intent of the statute and should be retained. While the Department references the definition of solid waste as being all encompassing these proposed rules suggest that cities and counties have the ability to exercise flow control on the waste that is generated by business and industry. Iowa cities and counties have historically not collected or arranged for the collection and disposal of waste generated by their business and industries, which is consistent with Iowa’s statute in 455.B302. The proposed rule changes will require that cities and counties become active participants in the collection and disposal of commercial and industrial waste. They believe such a sweeping change in the law should be instituted by legislation not by administrative rules. She said not only are many communities not equipped to do so but also municipal control raises serious constitutional questions. The United States Supreme Court, for example, has ruled that efforts by local governments to direct and control the flow of wastes through ordinances violates the commerce clause of the United States Constitution. Her organization believes that the proposed rule changes will require local government to interfere with private business decisions and that such interference may be struck down by the courts. She said they believe that the last item was inadvertently omitted. Some of the language that was listed in the action item of the responsiveness summary had not been incorporated into the proposed rule. She said the

proposed rule should state “in the cases of solid waste types banned from the disposal within the planning area and special wastes, if no other waste management facility for that waste type exists within the planning area, the city or county must in cooperation with the waste generator establish or arrange for access to one.” Instead of “in the cases of special waste, if no other waste management facility for that waste type exists within the planning area, the city or county must in cooperation with the waste generator establish or arrange for access to one.”

Darrell Hanson asked what the pre-Carbene portion of the Iowa Code meant.

Kathy Morris said Carbone was a court decision that struck down flow control.

Brief discussion followed regarding what the Waste Commission believed to be the difference between the code and the proposed rules.

Darrell Hanson asked Liz Christiansen if the rule change affected the city's responsibility for municipal and industrial waste and if it does is it a good thing or a bad thing.

Liz Christiansen said the responsibility for having a sanitary disposal project that is managing or providing for the disposal of the solid waste for all entities and citizens within the jurisdiction falls on the city or the county.

Jane Mild from the Land Quality and Waste Management Assistance Division said it is the interpretation of the attorney for DNR that the term ‘residents’ includes everyone and all waste that is generated. She said it has been the Departments intention all along and the new language makes that clear.

Scott Smith, Administrator of the Boone County Landfill said he was there on behalf of the Central Iowa Waste Management Association. He said the Department had succeeded in revising a set of rules that are complicated and impact everyone in the State of Iowa and he would like to commend the staff and support the end product with the exception of the duties of cities and counties.

Hal Morton, Executive Director of the Des Moines County Regional Solid Waste Commission said he has appreciated working with DNR staff and his counter parts around the state in overhauling the comprehensive planning rules. The process has been long and tedious with the involvement of many people and the investment of much time and effort. The resulting rule represents a major accomplishment and DNR staff is to be commended on a job well done. The proposed final rule is a major step forward from the existing rule and the guidance document along with the electronic submittal process incorporated by reference in this rule are quantum leaps forward in the State regulatory process. He said he could comfortably and fully endorse the proposed rule and guidelines with one exception. This exception relates to section 101.5 duties of cities and counties. DNR staff has softened the language in response to comment but the remaining language still represents an over extension of local government responsibility versus the statute. The rule language holds the local government jointly responsible with business for establishing or arranging for access to a waste management facility for wastes not accepted within the planning area. This is an unfair burden on local government, which does not

have the legal authority to designate where commercial wastes are taken. In response to public comment on this paragraph DNR has included four statutory citations in defense of the proposed language. Specifically the definition of solid waste in 455B.301 includes residential, commercial, and non-hazardous industrial waste. This definition lists these as different types of waste and based on that it is a stretch to say businesses are the same as residents in the other portions of the code. The remaining statutory citations listed in the responsiveness summary, 455B.302, 455B.306(1), and 455B.306(5) refer to local government responsibility for disposal of solid waste by its residents not, all solid waste. He said he recommends and requests that the EPC's approval of this final rule include an amendment to that paragraph of 101.5. Alternatively retaining the existing language would accomplish the same end.

Lengthy discussion followed regarding the terminology used and the responsibility of the cities and counties under the current rule compared to the revised rule.

Cindy Turkle, with Turkle Clark Environmental Consulting said she provides solid waste services to numerous landfills around the state. She said she had been in this business for 23 years and understands the frustration of everyone involved. The solid waste industry is very dynamic and rules written today will most like have to be rewritten in three years. She believes that there was a need for some of the laws to be changed but that can be difficult. She said if Iowa is going to achieve the 25 to 50% reduction goal there is a need for control over the industrial waste. She worked with the staff throughout the process on these rules, and knows they are not perfect but there is a need to establish a set of rules with the knowledge that they are dynamic and will need to be modified in the future.

She said the second issue she wished to address was the petition for rule making submitted to the Commission by the City of Henderson. She said they are still waiting for the responsiveness summary from staff. She has worked with some other individuals in this industry and they have written a set of rules that would address all of the problems and concerns but yet provided the protection that the cities and counties needed for financial assurance of solid waste disposal facilities. They are concerned that this may get put on the back burner and hoped the Commission would make sure that it doesn't.

Discussion followed regarding the Departments involvement in the comprehensive planning.

Motion was made by Darrell Hanson to adopt the Solid Waste Comprehensive Planning Rule. Seconded by Rita Venner. Motion carried unanimously

APPROVED AS PRESENTED

PUBLIC PARTICIPATION (CONTINUED)

Pete Duffy, Director of South Central Iowa Solid Waste Agency said he wanted to discuss a letter he received from the Department dated February 26th which had two unnumbered amendments to his permit. The first was "the Iowa Code requires the submission of the emergency response and the remedial action plan. He said he understood that it had been in the

code for many years and was never brought to the attention of the landfill personnel. The letter states that he has 60 days from the receipt of the letter to respond and that his permit hinges on the completion of it. He believes the 60-day period is too short a time to complete a new plan of action. He has sent a letter to the Department asking for a six-month extension but has not yet received a response. The second amendment prohibits the burning of yard waste. His permit has always included a permit to burn trees and branches at their site but the letter said this amendment was to be effective as of the date of the letter. He said he knew the state was planning to implement a burn ban in the fall and they have been working toward finding alternatives, however there is no money in their current budget to arrange for the disposal of yard waste. They had planned on burning at least through their current budget year, which ends July 1 and then begin looking for alternatives. In response to the letter his board voted to no longer take yard waste for at least the next 90 day until an alternative can be found. This however puts the burden back on to the cities or the counties in case of a natural disaster.

Liz Christiansen said she had discussed this issue with Brian Tormey, Bureau Chief of the Waste Management Assistance Division. She said while the Department will be asking landfills to develop emergency response plans she agrees sixty days is too soon. The Department will be contacting the landfill operators and asking them to develop a time line for the completion of the plan. She said the Department does want to work with landfills to move them away from burning and are willing to help them to find regional options so that it might not be necessary for all landfills to purchase a chipper or a tub grinder.

Jim Ulveling, Director of Carroll County Solid Waste Agency said he was a little puzzled why they received the letter. He said in the past several years they had not buried or burned yard waste. However the Iowa Code refers to yard waste composting which is defined as vegetable matter, such as grass clippings, leaves, garden wastes, brush and trees. He said he has been in this business for a long time and has been permitted every three years and their permit has always allowed them to burn. He asked why it is all of the sudden being brought to their attention if this has been on the books for all this time. He said they have a burn site in their city, the residents like it, and if they are prohibited from burning at the landfill then the commission will let the cities handle it because they can burn. He asked why the landfills are being singled out.

Scott Smith, Administrator of the Boone County Landfill said they do not own a grinder or a chipper and they handle three to five hundred tons of yard waste per year. Their current cost is between two to three thousand dollars a day to have a third party contractor come in to grind that waste for them. They then use the mulch on site for erosion control systems as part of their storm water management plan.

Hal Morton, Executive Director of the Des Moines County Regional Solid Waste Commission said he was surprised at the sudden urgency for an issue that has been in the statute for a number of years. He said he is also concerned because there are no guidelines on what to include in an emergency response plan. He said he believes it is very important that rules and definitions are written as to what they are expected to provide and he thinks they should be established before they receive a letter.

He said the other topic he wished to address was in reference to the emergency changes to the Regional Collection Center (RCC) rule. He said his organization supports the proposed changes and believes they will lessen the burden on local governments in terms of training requirements by gearing the training more directly to the needs of operating an RCC.

DESIGNATION OF A "STATE WATER COORDINATOR"

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

It is recommended that Jack Riessen, as the Bureau Chief for the Water Quality Bureau, be designated by the Commission as the "State Water Coordinator".

Section 455B.105 of the Code sets out a group of powers and duties of the Environmental Protection Commission. Subsection 10 states that the Commission shall " Appoint a water coordinator who shall coordinate requests from the public for information or assistance relating to the administration of water resources laws and programs and the resolution of water-related problems."

Each year the Auditor's staff reviews our compliance with Code mandates, and they noticed that we had no one designated as the "State Water Coordinator". In the past, we have had a person designated for this purpose, but there has been no person identified in recent years. At this point the original rationale for designating someone in this capacity has been lost. There is no equivalent air or land coordinator position. Past experience has shown little activity generated as a result of designation. We have considered legislation to remove this requirement in the past, but with no interest on the part of the legislature to do so. If there are requests for information or assistance, Mr. Riessen is in a position to respond or direct the appropriate Water Quality Bureau staff person to provide the requested material.

In order to eliminate comments from the Auditor's office about the lack of a Coordinator, we recommend that the Commission Jack Riessen to the position.

Mike Valde explained the reason for the appointment and the duties involved.

Motion was made by Darrell Hanson to approve the appointment. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

TMDL MONITORING CONTRACT WITH UHL

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be asked to approve a contract with the University of Iowa Hygienic Laboratory (UHL) for water quality monitoring to be conducted on twelve Iowa streams that are on the Section 303(d) list.

The UHL will monitor the twelve streams during calendar year 2001 for physical, chemical, and biological characteristics in an effort to acquire the data necessary to develop a total maximum

daily load (TMDL) for the each of the streams. The streams will be monitored once each month, during two snowmelt runoff events, and during four rainfall runoff events from March through November 2001.

The estimated cost of the contract is \$307,968.00 of which \$113,600 will be for equipment purchases. The life expectancy of this equipment is ten years and ownership will remain with the Department of Natural Resources. The equipment purchases will be funded with infrastructure funds provided for TMDL development. The monitoring costs will be paid from a combination of infrastructure funds and EPA Section 319 grant monies.

Mike Valde briefed the Commission on the proposed contract.

Rita Venner asked what type of equipment would be purchased with the money.

Mike Valde asked Bill Ehm, TMDL Coordinator to explain the type of equipment needed.

Bill Ehm said they would be getting hand held testers to detect simple things like water temperature, pH, and other perimeters. Other equipment will be an automatic sampler that will be installed at each of the sites. One of the key things the Department needs to know when they are trying to calculate total maximum daily load is how much of that particular pollutant is coming down the stream at any particular time.

Rita Venner asked if once installed the equipment would be there forever.

Bill Ehm said the Departments hope is that by doing the testing they will be able to find out what the problem is and then design a way to bring the stream back down to our standards and thus having it removed from the list of impaired streams. At that time the equipment will be removed and put at another locations that needs to be tested.

Motion was made by Rozanne King to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT TO DEVELOP A PRIVATE WELL DATABASE AND MANAGEMENT PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a contract with Norstan Consultants to develop a private well database and data management program. The contract will be for \$295,450 for a 10 month period. Funds for the project will come from groundwater funds, well contractor fees, and the Water Quality Protection Fund.

Currently, private well data, including well permits, well logs, well plugging, and well water testing reside in separate databases having limited accessibility and usefulness. The project as proposed will consolidate and modernize these databases, allow for the electronic entry of data at

remote sites throughout the state (e.g., data entry by counties), provide for multiple authorized levels of access, and be compatible with existing data systems, while maintaining compliance with all applicable Federal and State laws and regulations. Determination of hardware and software requirements is an integral part of the project. The project is based upon a preliminary study entitled "Private Well Information Tracking System, Solution Definition Phase" previously completed by Norstan Consultants under contract with the Department. Norstan identified three additional phases needed to complete the project.

A request for proposals (RFP) was issued requesting proposals for either the entire project or the initial phase. The RFP was sent to a list of Targeted Small Businesses capable of this type of work as well as consulting firms who have done similar work for the State, listed on the Internet, and advertised in the Des Moines Register. Twelve firms submitted a "Notice of Intent to Bid" and a meeting was held with prospective contractors. Five proposals were received, with three proposals for the first phase and three proposals for the entire project (one entity submitted two proposals).

Proposals were reviewed and evaluated by staff from the Water Supply Section and the Information Technology Bureau. The estimated cost of the proposals received ranged from \$118,000 (phase 1 only) to \$505,440. Based on staff evaluations of the proposals, it is recommended the contract be awarded to Norstan for the entire project, as their proposal would result in completing the entire project in the shortest time at a reasonable cost and require the least amount of Department staff time.

Mike Valde briefed the Commission on the contract.

Rita Venner asked if this new system be able to track private wells.

Bill Ehm said the information would have to be entered into the system but then it could be used for that purpose.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

The commission broke for lunch at 12:00 and returned at 1:00. Randal Giannetto arrived at 1:00 p.m.

Liz Christiansen said she met with Pete Duffy during the lunch break regarding the emergency planning and the department will be working with the local landfills on getting a compliance schedule in place. She said it is illegal to burn yard waste at a landfill however it had been included in some permits so the Department will be working with the landfills to phase those burning projects out. She said in response to Cindy Turkle's comments on the financial assurance rules the Department has completed the responsiveness summary but she has not had a chance to sit down with the staff and go through it. They are in the process of reviewing and finalizing it.

ADOPTION: AMENDMENTS TO 567 – CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES.

Liz Christiansen, Division Administrator, Land Quality and Waste Management Assistance Division presented the following item.

1. The Director requests the Commission to adopt emergency the enclosed amendment to Chapter 211. **The first proposed amendment changes the current requirement of 40-hour OSHA hazardous waste operator (HAZWOPER) training to a requirement of 24-hour hazardous waste operator (HAZWOPER) training for Regional Collection Center (RCC) operators.** OSHA requires 24-hour training for persons in the RCC operations positions. 40-hour training, which was all that was available at the time of the RCC program design, is targeted at first responders working under significantly more hazardous conditions. IDNR rules should be changed to reflect OSHA's requirements, so that additional time and expense can be avoided. The RCCs have been surveyed and are in agreement with this. **Due to upcoming (April 2001) 24-hour training that new RCC operators are scheduled to take to fulfill this requirement, an emergency amendment change is justified in this situation.**
2. The Director requests the Commission to adopt emergency the enclosed amendment to Chapter 211. **The second proposed amendment changes the current requirements for training to include eight hours of Department of Transportation hazardous materials management training.** Regional Collection Centers are exempt from state and federal Department of Transportation regulations due to the exempt nature of the hazardous material they manage. However, many RCCs have mobile units used to transport exempt hazardous waste across the state. Although they are not required by Iowa or Federal Code to comply with DOT regulations, to assure the RCC operators' safety as well as the safety of any first responders in the case of an accident, the RCCs are being encouraged to implement the use of placards, shipping papers and DOT packaging. The DOT training requirement would assure that RCCs are trained at a minimum in proper DOT regulations. **Due to the upcoming active season for RCCs, the emergency adoption and filing is requested.**

The Regional Collection Center operators are the only parties directly affected by these requested changes. **A survey of RCCs verified that all RCC operators are in agreement with these changes.** Changes were also presented at the March 2001 ISOSWO board meeting; ISOSWO board members in agreement with the changes. Letters of support for these proposed amendments are attached.

At this time, the Commission is requested to adopt the proposed amendments to Chapter 211, Iowa Administrative Code.

ENVIRONMENTAL PROTECTION COMMISSION [567]

GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTE [211]

Adopted and Filed Emergency

Pursuant to the authority of Iowa code sections 455F.8A, the Iowa Department of Natural Resources hereby amends Chapter 211, "Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes," Iowa Administrative Code.

The purpose of this amendment is to change the following:

- a. Chapter 211.8(e) states “All RCC staff handling hazardous materials shall have received OSHA 40-hour health and safety training as described by 29CFR1910.120.” Change this to “24-hour health and safety training as described by 29CFR1910.120.” This change reflects OSHA training requirements for the duties of an RCC operator more accurately.
- b. Chapter 211.8(e) Add, “All RCC staff operating a mobile unit for hazardous materials collection shall have received DOT 8-hour hazardous materials training.” This change requires training for mobile unit operators to assure safety in hazardous waste transportation.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because the amendment simply changes the training and building requirements for the Regional Collection Centers.

The Department also finds, pursuant to Iowa Code section 17A.5(2) “b” 2, that the normal effective date of the amendment should be waived and this amendment should be made upon filing as it confers a benefit on the working procedures of the Department.

Liz Christiansen said they are doing these rule changes by emergency to avoid additional costs for unnecessary training. She reviewed the changes for the Commission and said all Regional Collection Centers were contacted and they support the changes.

Motion was made by Rozanne King to approve the rule revision as presented. Seconded by Darrell Hanson. Motion carried unanimously

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVE PROGRAM - RECOMMENDATIONS

Liz Christiansen, Division Administrator, Land Quality and Waste Management Assistance Division presented the following item.

The Department received nineteen (19) pre-proposals, requesting over \$2.6 million in financial assistance, for consideration during the January 2001 round of funding. Although ten (10) applicant projects were selected for further review, only six (6) projects can be funded at this time. This is a result of recent legislation passed which reallocated a portion of SWAP funding. If these six (6) projects are approved, they will receive approximately \$929,483 in a combination of forgivable loans, zero interest loans, and 3% interest loans. As funds become available, and review of the proposed projects is completed, the remaining projects will be brought to the Commission for approval.

The review committee consisted of six persons representing the Waste Management Assistance Division (Tom Anderson, Valerie Drew, and Jeff Geerts), Iowa Society of Solid Waste Operations and the Iowa Recycling Association (Cindy Turkle and Tom Hadden), and the Iowa Waste Exchange (John Koch).

The table below summarizes recommendations by applicant and project type and by the type of award.

| Recommended By Applicant Type | # Awards | Award Amount | Forgivable Loan Portion |
|--------------------------------------|-----------------|---------------------|--------------------------------|
| Local Government | 2 | \$71,567 | \$24,005 |
| Private For Profit | 3 | \$562,360 | \$12,360 |

| | | | |
|--------------------------------------|-----------------|---------------------|--------------------------------|
| Private Not For Profit | 1 | \$295,556 | \$20,000 |
| Recommended By Project Type | # Awards | Award Amount | Forgivable Loan Portion |
| Best Practices | 4 | \$913,118 | \$40,000 |
| Education | 1 | \$4,005 | \$4,005 |
| Market Development | 1 | \$12,360 | \$12,360 |
| Type of Award | # Awards | Award Amount | Forgivable Loan Portion |
| Forgivable loan only | 2 | \$16,365 | \$16,365 |
| Zero Interest loan only | 1 | \$50,000 | \$0 |
| Forgivable & Zero Interest Loan | 1 | \$67,562 | \$20,000 |
| Forgivable, Zero, & 3% Interest Loan | 1 | \$295,556 | \$20,000 |
| Zero & 3% Interest loan | 1 | \$500,000 | \$0 |

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received.

SOLID WASTE ALTERNATIVES PROGRAM

PROPOSAL RECOMMENDATIONS – JANUARY 2001

The Department received nineteen (19) pre-proposals, requesting over \$2.6 million in financial assistance, for consideration during the January 2001 round of funding. Ten (10) applicant projects were selected for further review. If approved they will receive approximately \$1,985,066 in a combination of forgivable loans, zero interest loans, and 3% interest loans. However, only six (6) are presented for approval at this time totaling \$929,483.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those under \$25,000, proposals received but not selected, and proposals selected but no funds available.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

BEST PRACTICES PROJECTS

| | | |
|--|----------------------------|-------------------------|
| MIW, Inc. 909 South 14th Avenue Marshalltown, IA 50158 | Forgivable Loan: | \$20,000 |
| | Zero Interest Loan: | \$150,000 |
| | 3% Interest Loan | <u>\$125,556</u> |
| | Total Award Amount: | \$295,556 |
| | Cash Match: | \$391,784 |
| | In-Kind Match: | <u>\$0</u> |
| | Local Match: | \$391,784 |
| | Total Project cost: | \$687,340 |
| Project Title: | Recycling Building | |

| | |
|----------------------|--|
| Contact: | Bob Wolgamott 641-752-3697 |
| Project Type: | Best Practices |
| Applicant: | Private Not For Profit |
| Description: | The applicant proposes to construct a building and purchase equipment to process additional recyclables. The project will divert an estimated 3,600 tons of recyclables per year while improving operating efficiencies and worker safety. |
| Target Area: | Marshall County and the City of Conrad |

| | | |
|---|---|-----------------|
| Ida County Landfill/Board of Supervisors | Forgivable Loan: | \$20,000 |
| 2202 Indian Avenue | Zero Interest Loan: | \$47,562 |
| Ida Grove, IA 51445 | 3% Interest Loan | \$0 |
| | Total Award Amount: | \$67,562 |
| | Cash Match: | \$24,188 |
| | In-Kind Match: | \$85,720 |
| | Local Match: | \$109,908 |
| | Total Project cost: | \$177,470 |
| Project Title: | Recycling Education & Public Awareness | |
| Contact: | Lawrence Reitz 712-364-2507 | |
| Project Type: | Best Practices | |
| Applicant: | Local Government | |
| Description: | At the request of Ida County, each community has adopted a local ordinance banning all recyclables from the landfill. The County will develop and implement an extensive business and residential education and awareness program, purchase and distribute collection containers for urban and rural households and assist businesses with implementing in-house recycling programs. With the landfill ban, an additional 500 - 1,000 tons of recyclables are expected to be diverted annually. | |
| Target Area: | Ida County | |

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|--|--|-----------------|
| Plastic Recycling of Iowa Falls | Forgivable Loan: | \$0 |
| 11730 SE 6th Ave. | Zero Interest Loan: | \$50,000 |
| Runnells, IA 50237-1030 | 3% Interest Loan | \$0 |
| | Total Award Amount: | \$50,000 |
| | Cash Match: | \$52,224 |
| | In-Kind Match: | \$0 |
| | Local Match: | \$52,224 |
| | Total Project cost: | \$102,224 |
| Project Title: | Grinding Capacity Increase | |
| Contact: | Jim Hoffman 641-648-5073 | |
| Project Type: | Best Practices | |
| Applicant: | Private For Profit | |
| Description: | The applicant will purchase additional plastic grinding equipment to increase the company's capacity for processing recyclables. This project represents the final phase of a multi-phase expansion program that will increase production to nearly 2,400 tons of finished product annually, an increase of 265 tons. The company serves as an end market for several Iowa recycling centers and last year marketed more than 2,000 ton of finished plastic products domestically and internationally. | |
| Target Area: | State of Iowa | |

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| Sivyer Steel Corporation 225 South 33rd Street Bettendorf, IA 52722 | | Forgivable Loan: \$0 Zero Interest Loan: \$150,000 3% Interest Loan: <u>\$350,000</u> Total Award Amount: \$500,000 |
| | | Cash Match: \$400,000 In-Kind Match: <u>\$300,000</u> Local Match: \$700,000 |
| | | Total Project Cost: \$1,200,000 |
| Project Title: | Foundry Sand Reclamation | |
| Contact: | Philip Bruno 319-355-1811 | |
| Project Type: | Best Practices | |
| Applicant: | Privates For Profit | |
| Description: | The contractor will purchase a chromite and silica sand separation system in order to reclaim both chromite and silica sand for molding and casting processes. This project is expected to divert 11,424 tons per year and save approximately \$370,000 in avoided landfill costs and raw material purchases. | |
| Target Area: | Scott County Area | |

PROPOSAL RECOMMENDATIONS: BELOW \$25,000**EDUCATIONAL PROJECTS**

| | | |
|---|---|--|
| Pocahontas County 702 NW 7th Street Pocahontas, IA 50574-2206 | | Forgivable Loan: \$4,005 Zero Interest Loan: \$0 3% Interest Loan: <u>\$0</u> Total Award Amount: \$4,005 |
| | | Cash Match: \$1,336 In-Kind Match: <u>\$2,729</u> Local Match: \$4,065 |
| | | Total Project cost: \$8,070 |
| Project Title: | Outdoor Recycling Program | |
| Contact: | Bradley Freidhof 712-335-4395 | |
| Project Type: | Education | |
| Applicant: | Local Government | |
| Description: | The applicant will increase public awareness and recycling programs in state, county and municipal park and recreation areas by providing containers and signage in these public areas to recover recyclable materials. | |
| Target Area: | Pocahontas County | |

MARKET DEVELOPMENT PROJECTS

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|---|--|--|
| Meadow Ridge Stables 3856 South 20th Street West Des Moines, IA 50265 | | Forgivable Loan: \$12,360 Zero Interest Loan: \$0 3% Interest Loan: <u>\$0</u> Total Award Amount: \$12,360 |
| | | Cash Match: \$4,120 In-Kind Match: <u>\$0</u> Local Match: \$4,120 |

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| | | Total Project cost: | \$16,480 |
| Project Title: | Crumb Rubber Arena Footing | | |
| Contact: | Kathy Schwartz | | |
| Project Type: | Market Development | | |
| Applicant: | Private For Profit | | |
| Description: | The applicant will resurface an indoor and outdoor arena with recycled crumb rubber. The project will result in improved footing for the animals, decreased injury, decreased dust, and reduce water consumption by 10,000 gallons per month. This project will demonstrate new markets for crumb rubber while using 103 tons of processed scrap tires. | | |
| Target Area: | West Des Moines | | |

PROPOSALS RECEIVED, NOT RECOMMENDED

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| | | Total Request Amount: | \$106,500 |
| KTM Ltd. | | | |
| 20013 St. Joseph Dr. | | | |
| Durango, IA 52039 | | | |
| Project Title: | Animal Bedding | | |
| Contact: | Phil Klein 319-552-2638 | | |
| Project Type: | Best Practices | | |
| Applicant: | Private For Profit | | |
| Description: | Converting scrap lumber to animal bedding material. | | |

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|----------------------------|---|------------------------------|-----------------|
| | | Total Request Amount: | \$51,000 |
| Daniel R. Schroeder | | | |
| 321 S. Lincoln | | | |
| Odebolt, IA 51458 | | | |
| Project Title: | “The Worm Factory” | | |
| Contact: | Daniel Schroeder 712-668-2897 | | |
| Project Type: | Best Practices | | |
| Applicant: | Private For Profit | | |
| Description: | Purchase and renovate the building that is currently being used to raise worms. | | |

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|------------------------------------|--|------------------------------|----------------|
| | | Total Request Amount: | \$4,668 |
| Midwest Opportunities, Inc. | | | |
| 2005 U.S. Highway 34 | | | |
| Corning, IA 50841 | | | |
| Project Title: | MOI Green Team | | |
| Contact: | Barbara Houck 641-322-4280 | | |
| Project Type: | Education | | |
| Applicant: | Private Not For Profit | | |
| Description: | Implement a waste reduction program at all MOI facilities and construct a recycled content playground at a new daycare center. | | |

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|---|--|------------------------------|-----------------|
| | | Total Request Amount: | \$47,179 |
| Iowa Valley Community College District | | | |
| 3702 South Center Street | | | |
| Marshalltown, IA 50158 | | | |
| Project Title: | Education Grant Proposal | | |
| Contact: | Jean Goings 641-752-4645 | | |
| Project Type: | Education | | |
| Applicant: | Private Not For Profit | | |
| Description: | Increase public awareness of need to recycle and buy recycled items. | | |

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|---|--|
| Iowa Mulch 625 49th Street Marion, IA 52302 | Total Request Amount: \$339,572 |
| Project Title: Driving the Recycled Organics Market Contact: Eric Harbit 866-447-1613 (toll-free) Project Type: Market Development Applicant: Private For Profit Description: Purchasing an Express Blower to spread compost and wood by-products quickly and efficiently. | |
| Barker Lemar 1300 Cummins Road, Suite 201 Des Moines, IA 50315 | Total Request Amount: \$24,950 |
| Project Title: Feasibility for Using Pocket PC's For RCC Data Contact: Matt Nieswender 515-256-8814 Project Type: Best Practices Applicant: Private For Profit Description: Utilize Pocket PC/Internet technology to collect, transmit, and organize RCC data. | |
| Rathbun Area Solid Waste Commission 1209 South 18th Centerville, IA 52544 | Total Request Amount: \$17,800 |
| Project Title: Education Grant Program Contact: Rodger Kaster Project Type: Education Applicant: Private Not For Profit Description: Continue to increase awareness of the need to recycle. | |
| Renewable Resource Recovery 110 SE Grant, Suite 205 Ankeny, IA 50021 | Total Request Amount: \$20,130 |
| Project Title: Used Oil Filter Education & Recycling Program for Do-It-Yourselfers Contact: Jeff Carter 515-964-6799 Project Type: Market Development Applicant: Private For Profit Description: Place drums in auto parts stores to provide used oil filter recycling for individuals. | |
| Terry Frommelt 1334 252nd Avenue Greeley, IA 52050 | Total Request Amount: \$4,480 |
| Project Title: Tire Recycling Contact: Terry Frommelt 319-925-2270 Project Type: Market Development Applicant: Private For Profit Description: Recycling used tires into doormats and rubber horse fencing. | |

PROPOSALS RECOMMENDED, ADDITIONAL INFORMATION AND FUNDING REQUIRED

BEST PRACTICES PROJECTS

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|---|--|---|
| Agri-Cycle Products, Inc. 7461 Oak Meadows Drive Worthington, OH 43085 | | Forgivable Loan: \$20,000 Zero Interest Loan: \$150,000 3% Interest Loan: <u>\$33,104</u> Total Award Amount: <u>\$203,104</u> |
| | | Cash Match: \$67,701 In-Kind Match: \$138,000 Local Match: \$205,701 |
| | | Total Project cost: \$408,805 |
| Project Title: | Sperry Area Wallboard Recycling | |
| Contact: | Doug Van Fossen 614-785-1970 | |
| Project Type: | Best Practices | |
| Applicant: | Private For Profit | |
| Description: | The applicant proposes to set up an operation that will recycle off-spec gypsum wallboard for a local wallboard manufacturer in the area. Expansion is planned to include processing waste wallboard from post-consumer generators in the area. Processed material will be marketed to industrial and agricultural customers. Applicant projections estimate landfill diversion of 30,000 tons per year. | |
| Target Area: | 100 mile radius of Sperry, Iowa | |

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|---|---|---|
| T.J.'s Plastics, Inc. 461 Highway 76 Harpers Ferry, IA 52146 | | Forgivable Loan: \$0 Zero Interest Loan: \$150,000 3% Interest Loan: <u>\$350,000</u> Total Award Amount: <u>\$500,000</u> |
| | | Cash Match: \$685,000 In-Kind Match: \$0 Local Match: \$685,000 |
| | | Total Project cost: \$1,185,000 |
| Project Title: | Composite Structural Plastic Lumber Manufacturing | |
| Contact: | Paul Schmitt 319-586-2565 | |
| Project Type: | Best Practices | |
| Applicant: | Private For Profit | |
| Description: | Applicant is proposing to expand current operations by manufacturing composite structural plastic lumber and pelletized plastic. Targeted materials include various plastics, minerals (fly ash), and textile fibers. Initially 30,000 tons of material will be diverted from the landfill. Tests conducted on prototype lumber by the Materials Testing Service and the Recycling Reuse Technology Transfer Center located at the University of Northern Iowa has shown the finished product to be superior in strength compared to other plastic lumber and wood. | |
| Target Area: | State of Iowa | |

MARKET DEVELOPMENT

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|---|--|---|
| BFC Development 110 SE Grant, Suite 205 Ankeny, IA 50021 | | Forgivable Loan: \$20,000 Zero Interest Loan: \$150,000 3% Interest Loan: <u>\$42,018</u> Total Award Amount: <u>\$212,018</u> |
|---|--|---|

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|-----------------------|--|----------------------------|-----------|
| | | Cash Match: | \$212,019 |
| | | In-Kind Match: | \$0 |
| | | Local Match: | \$212,019 |
| | | Total Project Cost: | \$424,037 |
| Project Title: | Diversion of Pulper Tail Waste from Landfill | | |
| Contact: | Jeffrey Carter 515-964-6780 | | |
| Project Type: | Market Development | | |
| Applicant: | Private For Profit | | |
| Description: | Contractor will divert approximately 6,000 annually of pulper tail waste (tightly wound baling wire, plastic and pulper fibers) by purchasing equipment that will allow separation of this waste into products which are easily recyclable. Pulper tail waste is a by-product of the pulp and paper making process generated by Cedar River Paper Mill and Rock-Tenn Paper Mill. | | |
| Target Area: | Linn County | | |

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|------------------------------------|--|----------------------------|-----------------|
| Brink's Seed Services, Inc. | | Forgivable Loan: | \$20,000 |
| 201 West Elm | | Zero Interest Loan: | \$20,461 |
| Hubbard, IA 50122 | | 3% Interest Loan | \$0 |
| | | Total Award Amount: | \$40,461 |
| | | Cash Match: | \$13,488 |
| | | In-Kind Match: | \$66,900 |
| | | Local Match: | \$80,388 |
| | | Total Project Cost: | \$120,849 |
| Project Title: | Bagged Seed Corn Processing Project | | |
| Contact: | John Brinkmeyer 641-864-3351 | | |
| Project Type: | Market Development | | |
| Applicant: | Private For Profit | | |
| Description: | The applicant will expand current obsolete seed corn recycling operations to include bagged and additional bulk seed corn through equipment purchases. | | |
| Target Area: | State of Iowa | | |

Liz Christiansen said the Department is proposing to fund six projects at this time. She said the Solid Waste Alternative Program fund received the majority of the impact of Senate File 65, which swept portions of the Groundwater Fund. There was approximately 3.4 million dollars removed from this fund. The Department had completed a review of project in January, prior to the sweep, which resulted in the recommendation of 10 projects, however given the expected revenue and the status of the projects, only six can be recommended at this time. She reviewed the details of the recommended projects.

Brief discussion followed regarding the project at Meadow Ridge Stables.

Motion was made by Rozanne King to approve Solid Waste Alternative Program projects as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION – BEE RITE TIRE DISPOSAL, INC.: JERRY YOEMENS

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On February 3, 2000, the department issued Administrative Order No. 2000-SW-03 to the above parties. That action required certain action relating to the operation of a permitted waste tire processing operation and assessed a \$10,000 penalty. That action was appealed by the parties, and the City of Rhodes intervened. The matter proceeded to administrative hearing on January 23, 2001. The Administrative Law Judge issued the attached Proposed Decision on February 12, 2001. The decision affirms the Order.

Any party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the proposed decision, it automatically becomes the final decision of the Commission.

Randy Clark, attorney for the Compliance and Enforcement Bureau of the Environmental Protection Division said that the proposed decision has been appealed so no action is required by the Commission.

Discussion followed regarding how the city became involved in the case.

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| NO ACTION REQUIRED |
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REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. 10th Hole Food & Spirits (Calamus) – water supply/penalty

Randy Clark, attorney for the Compliance and Enforcement Bureau of the Environmental Protection Division said the order for 10th Hole Food & Spirits also known as Syracuse Bar and Grill was issued in January of 2000, the penalty was due March 14, 2000 and the order was not appealed. He said most of the other requirements in the order had been complied with except for public notification.

Brief discussion followed.

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| <i>Motion was made by Darrell Hanson to refer 10th Hole Food and Spirits. Seconded by Rita Venner. Motion carried unanimously.</i> |
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| REFERRED |
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b. The Barn (Sherrill) – water supply/penalty

Randy Clark, attorney for the Compliance and Enforcement Bureau of the Environmental Protection Division said The Barn is a small restaurant that was issued an order in March of 2000, with a \$1,000 penalty which was due June 6, 2000. The owner claims to have sold the property to his son, however during the time of the violation he was the owner. He said Mr. Breitbach's lawyer offered the Department \$250, which was rejected but negotiations are ongoing. He said the Department has informed Mr. Breitbach's that the Department is going forward with the referral request but would notify the Attorney General if a settlement is reached.

Motion was made by Rozanne King to refer The Barn to the Attorney General. Seconded by Randall Giannetto. Motion carried unanimously.

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| REFERRED |
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MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 2001

| Proposal | Notice To Commission | Notice Published | ARC# | Rules Review Committee | Hearing | Comment Period | Final Summary to Commission | Rules Adopted | Rules Published | ARC# | Rules Committee Review | Rule Effective |
|---|----------------------|------------------|-------|------------------------|--------------------|----------------|-----------------------------|---------------|-----------------|-------|------------------------|----------------|
| 1. Ch. 13 - Waiver Rules | 2/19/01 | *3/21/01 | | *4/09/01 | | | *5/21/01 | *5/21/01 | *6/13/01 | | *7/10/01 | *7/18/01 |
| 2. Ch. 22 - Air Quality Rules - Compliance Assurance Monitoring | 2/19/01 | *3/21/01 | | *4/09/01 | *4/27/01 | *5/04/01 | *5/21/01 | *5/21/01 | *6/13/01 | | *7/10/01 | *7/18/01 |
| 3. Ch. 22 - 25 - Air Quality Program Rules | 5/15/00 | 6/14/00 | 9985A | 7/11/00 | 7/20/00 | 7/28/00 | 1/16/01 | 1/16/01 | 2/07/01 | 0472B | 3/09/01 | *3/14/01 |
| 4. Ch. 60, 64 - Wastewater Construction and Operation Permits | 2/19/01 | *3/21/01 | | *4/09/01 | *4/10/01 | *4/10/01 | *5/21/01 | *5/21/01 | *6/13/01 | | *7/10/01 | *7/18/01 |
| 5. Ch. 61 - WQ Standards | 1-16-01 | 2/07/01 | 0470B | *3/09/01 | 2/20,22,26, 3/2/01 | 2/14/01 | *4/16/01 | *4/16/01 | *5/16/01 | | *6/05/01 | *6/20/01 |
| 6. Ch. 64 - Wastewater Construction and Operation Permits | 7/17/00 | 8/09/00 | 0052B | 9/12/00 | 9/01/00 | 9/01/00 | 2/19/01 | 2/19/01 | *3/19/01 | | *4/09/01 | *4/22/01 |
| 7. Ch. 65 - Animal Feeding Operations | 10/16/00 | 11/15/00 | 0278B | 12/12/00 | 12/12-13, 12/18-20 | 12/20/00 | *4/16/01 | *4/16/001 | *5/16/01 | | *6/05/01 | *6/20/01 |
| 8. Ch. 65 - Animal Feeding Operations/Manure Applicator Certification/Freeboard | 2/19/01 | *3/21/01 | | *4/09/01 | *4/24/01 | *4/24/01 | *5/21/01 | *5/21/01 | *6/13/01 | | *7/10/01 | *7/18/01 |
| 9. Ch. 65 - Manure Management Plan Extension | 2/19/01 | *3/21/01 | | *4/09/01 | *4/24/01 | *4/24/01 | *5/21/01 | *5/21/01 | *6/13/01 | | *7/10/01 | *7/18/01 |
| 10. Ch. 93 - On-Site Wastewater Treatment State Revolving Fund | 6/19/00 | 9/20/00 | 0136B | 10/09/00 | 10/11-13, 17-19/00 | 10/24/00 | *4/16/01 | *4/16/01 | *5/16/01 | | *6/05/01 | *6/20/01 |

| | | | | | | | | | | | | |
|--|----------|----------|-------|----------|----------|----------|----------|----------|----------|-------|----------|----------|
| 11. Ch. 101 - Solid Waste Comprehensive Planning | 10/16/00 | 11/15/00 | 0279B | 12/12/00 | 12/08/00 | 12/08/00 | 3/19/01 | *3/19/01 | *4/18/01 | | *5/05/01 | *5/23/01 |
| 12. Ch. 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills | 11/20/00 | 12/27/00 | 0365B | 1/14/01 | 1/16/01 | 1/16/01 | *4/16/01 | *4/16/01 | *5/16/01 | | *6/05/01 | *6/20/01 |
| 13. Ch. 118 - Removal of PCBs from Appliances Prior to Processing | 3/19/01 | *4/18/01 | | *5/05/01 | | | *6/18/01 | *6/18/01 | *7/11/01 | | *8/07/01 | *8/15/01 |
| 14. Ch. 135 - MTBE Sampling | 9/18/00 | 10/18/00 | 0217B | 11/14/00 | | 11/07/00 | 1/16/01 | 1/16/01 | 2/07/01 | 0471B | 3/09/01 | *3/14/01 |
| 15. Ch. 211 - Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generator and Household Hazardous Wastes | | | | | | | 3/19/01 | *3/19/01 | *4/18/01 | | *5/05/01 | *3/30/01 |

| Monthly Variance Report | | | | | | |
|-------------------------|--|--------------------------|-----------------------------|----------------------------------|----------|----------|
| February, 2001 | | | | | | |
| Item No. | Facility | Program | Engineer | Subject | Decision | Date |
| 1 | Salsbury Chemicals, Inc.-Charles City | Air Quality | | Permit Requirements | Approved | 02/06/01 |
| 2 | Sheaffer Pen Corporation-Fort Madison | Air Quality | | Permit Requirements | Approved | 02/13/01 |
| 3 | Williams Energy Group-Donahue | Air Quality | | Permit Requirements | Approved | 02/21/01 |
| 4 | McGregor, City of | Wastewater Construction | Vierbicher Associates | Number of Pumps | Approved | 02/06/01 |
| 5 | McGregor, City of | Wastewater Construction | Vierbicher Associates | Minimum Sewer Size | Approved | 02/06/01 |
| 6 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Valve Pit | Approved | 02/06/01 |
| 7 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Manhole Spacing | Approved | 02/06/01 |
| 8 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Pond Influent Piping | Approved | 02/06/01 |
| 9 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Number of Lagoon Cells | Approved | 02/06/01 |
| 10 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Directional Boring, Sewer Slope | Approved | 02/06/01 |
| 11 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Inter-Cell Control Structure | Approved | 02/06/01 |
| 12 | Williamson, City of-(Rathbun Regional Water Association) | Wastewater Construction | McClure Engineering Company | Directional Boring, Installation | Approved | 02/06/01 |
| 13 | Metro Park East Sanitary Landfill-Des Moines | Solid Waste | CHMM, Metro Waste Authority | Permit Conditions | Approved | 02/28/01 |
| 14 | Des Moines Water Works | Watersupply Construction | Des Moines Water Works | Installation Procedures | Approved | 02/19/01 |

During the period February 1, 2001, through February 28, 2001, 58 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Month | Substance | | | | | Mode | | | | |
|----------|-----------------|---------------|--------------------|-----------------|--------------------|---------|----------|----------|-------|-------|
| | Total Incidents | Agri-chemical | Petroleum Products | Other Chemicals | Transport Facility | Fixed | Pipeline | Railroad | Fire | Other |
| October | 60 (62) | 3 (6) | 42 (48) | 14 (5) | 22 (32) | 32 (23) | 0 (1) | 1 (2) | 1 (0) | 4 (4) |
| November | 57 (64) | 4 (10) | 39 (38) | 14 (15) | 19 (26) | 32 (30) | 0 (1) | 4 (3) | 1 (1) | 1 (3) |
| December | 44 (67) | 0 (10) | 28 (40) | 16 (17) | 10 (23) | 31 (34) | 0 (1) | 1 (4) | 0 (0) | 2 (5) |
| January | 55 (41) | 7 (4) | 36 (27) | 12 (9) | 13 (13) | 33 (24) | 0 (1) | 0 (0) | 0 (0) | 9 (3) |
| February | 58 (64) | 0 (3) | 42 (31) | 16 (30) | 14 (14) | 36 (47) | 0 (0) | 4 (0) | 1 (1) | 3 (2) |
| March | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |

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|--------------|-----------|---------|-----------|---------|----------|-----------|-------|--------|-------|---------|
| May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 274 (298) | 14 (33) | 187 (184) | 72 (76) | 78 (108) | 164 (158) | 0 (4) | 10 (9) | 3 (2) | 19 (17) |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 11 | 8 | 0 | 5 | 18 | 16 |

During the period February 1, 2001, through February 28, 2001, 4 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

| Month | Total Incidents | Feedlot | Confinement | Land Application | Transport | Hog | Cattle | Fowl | Other | Surface Water Impacts |
|--------------|-----------------|---------|-------------|------------------|-----------|---------|--------|-------|-------|-----------------------|
| October | 5 (6) | 0 (0) | 2 (3) | 2 (2) | 1 (1) | 4 (6) | 1 (0) | 0 (0) | 0 (0) | 1 (2) |
| November | 3 (4) | 0 (0) | 2 (2) | 1 (1) | 0 (1) | 3 (3) | 0 (1) | 0 (0) | 0 (0) | 1 (0) |
| December | 2 (2) | 0 (0) | 1 (1) | 1 (1) | 0 (0) | 2 (1) | 0 (1) | 0 (0) | 0 (0) | 0 (0) |
| January | 1 (0) | 0 (0) | 1 (0) | 0 (0) | 0 (0) | 1 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| February | 4 (1) | 0 (0) | 4 (1) | 0 (0) | 0 (0) | 4 (1) | 0 (0) | 0 (0) | 0 (0) | 2 (1) |
| March | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 15 (13) | 0 (0) | 10 (7) | 4 (4) | 0 (0) | 14 (11) | 1 (2) | 0 (0) | 0 (0) | 4 (3) |

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 1 | 0 | 2 | 0 | 0 |

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|---|--------------------------|---|-----------------------|---------|
| Emil Broers; David Rosendahl, Cerro Gordo Co. (2) | Animal Feeding Operation | Prohibited Discharge – Confinement; Failure to Report a Release | Order/Penalty \$3,000 | 2/12/01 |

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| Featherlite, Inc., Cresco (1) | Air Quality | Construction Without Permit | Consent Amendment | 2/12/01 |
| Keokuk Steel Castings Co., Keokuk (6) | Air Quality | Construction Without Permit; Construction Contrary to Permit; Other | Consent Amendment | 2/12/01 |
| Holian Asbestos Removal & Encapsulation Corp., Charles City (2) | Air Quality | Asbestos | Consent Amendment | 2/12/01 |
| Brian Lauterbach, Alden (2) | Animal Feeding Operation | Uncertified Applicator | Order/Penalty \$50 | 2/16/01 |
| Sunnybrook Mobile Home Park, Polk Co. (5) | Wastewater | Compliance Schedule; Discharge Limits; Operational Violations | Order/Penalty \$5,000 | 2/16/01 |
| Kay Enterprises, Inc., Janesville (1) | Air Quality | Construction Without Permit; Monitoring/Reporting; Operational Violations | Order/Penalty \$10,000 | 2/19/01 |
| Hillsdale Mobile Home Park, Ames (5) | Wastewater | Discharge Limits | Referred to AG | 2/19/01 |
| Crestview Mobile Home Park, Ames (5) | Wastewater | Discharge Limits | Referred to AG | 2/19/01 |
| Country Terrace Mobile Home Park, Boone (5) | Wastewater | Compliance Schedule; Discharge Limits | Consent Amendment | 2/23/01 |
| West Central Cooperative, Ralston (4) | Wastewater | Operation Without Permit; Prohibited Discharge | Order/Penalty \$2,000 | 1/29/01 |
| Audubon, City of (4) | Wastewater | Compliance Schedule; Discharge Limits | Order/Penalty \$3,000 | 1/29/01 |
| Grundy Center, City of (2) | Wastewater | Construction Without Permit | Order | 1/29/01 |
| Randy Drey, Storm Lake (3) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$2,000 | 1/29/01 |
| Agri Grain Marketing, Dubuque (1) | Air Quality | Fugitive Dust | Order/Penalty \$4,000 | 1/29/01 |
| Country Stores of Carroll, Ltd., Carroll (2) | Underground Tank | Construction Deficiencies | Order/Penalty \$4,700 | 11/15/00 |
| Ron Vincent, Ft. Dodge (2) | Wastewater | Operation Without Permit | Order/Penalty \$300 | 11/15/00 |
| LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, | Air Quality | Construction Without Permit; Asbestos | Consent Amendment | 11/29/00 |

Manning (4)

| | | | | |
|--|----------------|--|---------------------------|----------|
| Envirobest, Inc., Cedar Rapids (1) | Air Quality | Asbestos | Consent Amendment | 11/29/00 |
| Hermitage Homes, Inc., Bettendorf (6) | Wastewater | Stormwater – Pollution Prevention Plan | Order/Penalty \$5,000 | 11/29/00 |
| Sheaffer Manufacturing Co. d/b/a Sheaffer Pen Corp., Ft. Madison (6) | Air Quality | Construction Without Permit | Order/Penalty \$2,000 | 11/29/00 |
| Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Des Moines (5) | Air Quality | Asbestos | Order/Penalty \$1,500 | 11/29/00 |
| Rohlin Construction Co., Inc., Estherville (3) | Air Quality | Construction Without Permit | Order/Penalty \$10,000 | 11/29/00 |
| James Harter, Brighton (6) | Wastewater | Stormwater – Operation Without Permit | Referred to AG | 11/20/00 |
| Johnston, City of (5) | Wastewater | Prohibited Discharge; Discharge Limits | Order | 11/29/00 |
| Super 20 Mobile Home Park, Dubuque (1) | Drinking Water | Public Notice | Order/Penalty \$500 | 11/29/00 |
| Hitter's Sports Park, Cedar Rapids (1) | Drinking Water | Monitoring/Reporting – Nitrate; Public Notice | Order/Penalty \$300 | 11/29/00 |
| Independence Mobile Home Park, Independence (1) | Drinking Water | Monitoring/Reporting – Bacteria; MCL – Bacteria; Operational Violations; Permit Renewal Fees; Public Notice | Order/Penalty \$800 | 11/29/00 |
| Mid River Marina, Swisher (6) | Drinking Water | Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice | Order/Penalty \$250 | 11/29/00 |

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|--|---------|--------|----------|
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 | 1-01-96 |
| Ronald Slocum; Tammy Lynn Determan (Marshall Co.) | SW | 10,000 | 5-24-97 |
| * Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.) | AQ/SW | 8,830 | 6-05-97 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 7,000 | 4-28-98 |
| Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle) | WW | 1,500 | 5-05-98 |
| Leland DeWitt (Louisa Co.) | AQ/SW | 3,000 | 11-21-98 |
| Otter Creek Station (Dubuque Co.) | WS | 325 | 3-04-99 |
| * Home Asbestos & Lead Abatement Services (Johnston) | AQ | 1,150 | 6-15-99 |
| * Orrie's Supper Club, Inc. (Hudson) | WS | 390 | 6-01-99 |
| Charlie's Supper Club (Algona) | WS | 100 | 7-01-99 |
| Hidden Valley Mobile Home Court (Washington Co.) | WS | 200 | 7-26-99 |
| * Robert Simon (Dubuque Co.) | AQ/SW | 1,700 | 11-01-99 |

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| Capitol Oil Co. (Oxford) | UT | 6,560 | 10-09-99 |
| * Hidden Valley Mobile Home Park (Washington) | WW | 200 | 12-12-99 |
| * Minifarm Acres, Inc. (Cedar Co.) | WS | 375 | 1-29-99 |
| Dorchester Supper Club (Dorchester) | WS | 100 | 3-08-00 |
| 10 th Hole Food & Spirits (Calamus) | WS | 1,000 | 3-14-00 |
| D/S Land Company, L.C. d/b/a The Outer Edge (Mason City) | WS | 300 | 4-25-00 |
| Plain Salvage Inc. (Sac City) | AQ/SW | 10,000 | 5-12-00 |
| Weber Construction, Inc. (Cascade) | AQ | 4,000 | 5-26-00 |
| Steve Friesth (Webster Co.) | AQ/SW | 4,000 | 6-05-00 |
| The Barn (Sherrill) | WS | 1,000 | 6-06-00 |
| Country Hills Water Corporation (Peosta) | WS | 500 | 6-12-00 |
| Martin Marietta Materials, Inc. (Ames) | AQ | 5,000 | 6-12-00 |
| Don Casterline; Myron Casterline (Van Wert) | UT | 2,000 | 6-14-00 |
| * Rimade, Inc. (Manning) | SW/WW | 1,000 | 8-01-00 |
| R & R Ranch (Osceola) | WW | 10,000 | 8-30-00 |
| Robert Watson (Griswold) | UT | 1,700 | 9-03-00 |
| Coralville Lake Terrace Assoc. (Johnson Co.) | WS | 1,500 | 9-05-00 |
| Kathy's Korner (Dewar) | WS | 500 | 9-06-00 |
| Larrabee, City of | WS | 250 | 9-11-00 |
| John Smith d/b/a Four-Corners Tap (Lockridge) | AQ/SW | 1,000 | 9-24-00 |
| Osterdock Store (Guttenberg) | WS | 500 | 10-16-00 |
| * Steven Reimers (Schaller) | AQ/SW | 350 | 12-01-00 |
| Mt. Joy Mobile Home Park (Davenport) | WS | 1,500 | 11-23-00 |
| Lindahl & Sons Salvage (Boone) | AQ/SW | 10,000 | 11-29-00 |
| American Legion – Swisher Post #671 (Swisher) | WS | 500 | 12-25-00 |
| Seven Ponds Park (Sperry) | WS | 500 | 1-03-01 |
| * R. V. Hopkins, Inc. (Davenport) | AQ | 1,700 | 3-16-01 |
| Country Stores of Carroll, Ltd. (Carroll) | UT | 4,700 | 1-17-01 |
| Pretty Women, Inc. d/b/a Beach Girls Bar (W. Des Moines) | WS | 500 | 1-19-01 |
| Exotic Attractions, Inc. d/b/a Foxy Lady (W. Des Moines) | WS | 500 | 1-19-01 |
| Country Air Mobile Court (Atkins) | WS | 2,000 | 1-24-01 |
| Hitter's Sports Park (Cedar Rapids) | WS | 300 | 2-02-01 |
| Mid River Marina (Swisher) | WS | 250 | 2-03-01 |
| * Aaron Berry (Pottawattamie Co.) | AQ/SW | 400 | 2-15-01 |
| R & K Smith Farms, L.L.C. (Hardin Co.) | WW/HC | 2,000 | 2-27-01 |
| Alice Hillhouse; Hillhouse Real Estate Corp. (Denison) | UT | 3,000 | 2-28-01 |
| Malvern, City of | WW | 1,000 | 2-29-01 |
| * Robert Simon (Dubuque Co.) | AQ/SW | 1,700 | 3-02-01 |
| # Neal Anthony d/b/a Anthony's Trucking (LeMars) | AFO | 3,000 | 3-03-01 |
| Featherlite, Inc. (Cresco) | AQ | 5,000 | 3-12-01 |
| Michael Bauer (Davenport) | UT | 5,100 | 3-13-01 |
| * Michael Roberts (Page Co.) | AQ | 600 | 3-15-01 |
| * Lorene Logue (Lucas Co.) | AQ/SW | 200 | 3-15-01 |
| West Central Cooperative (Ralston) | WW | 2,000 | 4-06-01 |
| Agri Grain Marketing (Dubuque) | AQ | 4,000 | 4-06-01 |
| # Emil Broers; David Rosendahl (Cerro Gordo Co.) | AFO | 3,000 | 4-16-01 |
| * Edward Degeus (Britt) | AQ | 1,000 | 7-01-01 |
| * Top of Iowa Cooperative (Hanlontown) | AQ | 500 | 9-01-01 |
| Independence Mobile Home Park (Independence) | WS | 800 | ---- |
| Deer Ridge Estates (Ottumwa) | WS | 100 | ---- |
| Lawrence Korver d/b/a Korver Development (Orange City) | WW | 5,000 | ---- |
| # Brian Lauterbach (Alden) | AFO | 50 | ---- |
| Sunnybrook Mobile Home Park (Polk Co.) | WW | 5,000 | ---- |
| Kay Enterprises, Inc. (Janesville) | AQ | 10,000 | ---- |
| Melsha Tap, Inc. (Swisher) | WS | 300 | ---- |
| # Gary Stutzman (Washington Co.) | AFO | 1,500 | ---- |
| Paul Riha d/b/a Riha Auto Sales (Vining) | UT | 1,200 | ---- |
| Iowa Skate U (Iowa Falls) | WS | 500 | ---- |
| TOTAL | | 172,330 | |

The following cases have been referred to the Attorney General:

| | | | |
|--|----|-------|----------|
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Vernus Wunschel d/b/a Wunschel Oil (Ida Grove) | UT | 300 | 1-12-92 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |

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| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia) | UT | 840 | 11-01-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| Oscar Hahn (Solon) | AQ/SW | 2,000 | 8-29-95 |
| Randy Ballard (Fayette Co.) | FP | 2,000 | 5-30-95 |
| ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids) | AQ | 10,000 | 7-09-95 |
| Long Branch Tavern (Monmouth) | WS | 100 | 5-01-96 |
| Long Branch Tavern (Monmouth) | WS | 6,400 | 10-28-96 |
| Long Branch Tavern (Monmouth) | WS | 200 | 3-18-97 |
| Dean Williams d/b/a Williams Oil Co. (Stuart) | UT | 4,800 | |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge) | AQ | 10,000 | 2-16-93 |
| Robert Jeff White (Dallas Co.) | AQ/SW | 10,000 | 7-14-97 |
| Edward Bodensteiner (Des Moines) | UT | 3,200 | 3-31-96 |
| Wunschel Oil, et.al. (Battle Creek) | UT | 4,400 | 12-23-96 |
| Tire-Tech Environmental Systems, Inc. (Muscatine) | SW/WW | 2,500 | |
| James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.) | AQ/SW | 2,000 | 2-16-98 |
| *Ken Frese (Keokuk Co.) | AQ/SW | 175 | 1-09-97 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.) | SW | 6,000 | 1-20-96 |
| Patrick McCoy (Keokuk Co.) | AQ/SW | 2,000 | 2-10-96 |
| Russell Barkema d/b/a Barkema Construction (Wright Co.) | AQ/SW | 1,000 | 3-31-98 |
| Action Jack's Paintball Park (Polk Co.) | SW/FP | 10,000 | 11-07-98 |
| #*Harold Unternahrer (Washington Co.) | AFO | 700 | 5-01-99 |
| Hofer's Danceland Ballroom (Walford) | WS | 3,200 | 4-19-97 |
| Hofer's Danceland Ballroom (Walford) | WS | 100 | 4-23-99 |
| Ray Stamper; Bryan Zenor (Polk Co.) | SW | 2,000 | 12-12-98 |
| Russell Zook d/b/a Haskin's Recycling (Washington Co.) | AQ/SW | 5,000 | 12-19-98 |
| Phillips Recycling; Jeff Phillips (Story Co.) | WW | 1,800 | 3-06-99 |
| Greg Morton; Brenda Hornyak (Decatur Co.) | SW/AQ/WW | 3,000 | 11-04-98 |
| Jim Walker (Johnson Co.) | AQ/SW | 3,000 | 2-14-99 |
| Iowa Millenium Investors, LLC (Sumner) | UT | 4,000 | 10-12-99 |
| Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola) | UT | 10,000 | |
| Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington) | UT | 9,400 | 1-31-00 |
| Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.) | AQ/SW | 1,000 | 7-01-00 |
| Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids) | SW | 5,000 | 1-23-00 |
| Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.) | SW/WW | 10,000 | 5-26-00 |
| * Lester Holmes; Todd Holmes (Lucas County) | AQ | 4,000 | 10-15-00 |
| James Harter (Fairfield) | WW | 1,800 | 1-29-00 |
| Winter Mobile Home Park (Chickasaw Co.) | WS | 2,500 | |
| # Rustad Farms, Inc. (Butler Co.) | AFO | 3,000 | 10-06-00 |
| Crestview Mobile Home Park (Ames) | WW | 10,000 | 8-30-00 |
| TOTAL | | 167,754 | |

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| Frank Hulshizer (Benton Co.) | SW | 500 |
| American Coals Corporation - Site #5 (Bussey) | AQ/SW | 10,000 |
| Wunschel Oil, et.al. (Ida Grove) | UT | 10,000 |
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Simonsen Industries, Inc. (Cherokee Co.) | WW | 5,000 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| Leonard C. Page (Adams Co.) | SW | 3,000 |
| Boyer Valley Company (Arion) | WW | 8,000 |
| Wilbur McNear; Gilbert Persinger (Smithland) | UT | 2,500 |
| Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.) | WW | 3,000 |
| Wilbur McNear d/b/a McNear Oil Co. (Charter Oak) | UT | 2,000 |
| Clarence, City of | WW | 3,000 |
| Dallas County Care Facility (Adel) | WW | 2,500 |
| Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley) | UT | 1,500 |
| #Boomsma Egg Site #1; A.J. DeCoster (Wright Co.) | WW | 1,000 |
| Richard Sprague (Tripoli) | AQ/SW | 5,000 |
| Bellevue Golf Club, Inc. (Bellevue) | WS | 300 |
| Cliff's Place, Inc. (Waverly) | WS | 1,500 |
| Brittany Estates Addition (Manchester) | WS | 4,000 |

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| Robert Freese; Elizabeth Mathes (Washington Co.) | SW | 1,000 |
| Biovance Technologies, Inc. (Oskaloosa) | AQ | 4,000 |
| Sac City, City of | WW | 4,000 |
| Pathway Christian School (Kalona) | WS | 500 |
| Wiese Corporation (Perry) | AQ | 5,000 |
| West Liberty, City of | WW | 5,000 |
| Robert Diehl (Clarke Co.) | WW/WS | 5,000 |
| Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 5,000 |
| # Bernadette Ryan (Delaware Co.) | AFO | 3,000 |
| Lonnie King (Marion Co.) | AQ/SW | 1,600 |
| West Union Cooperative Co. (West Union) | WW | 10,000 |
| Country Terrace Mobile Home Court (Boone) | WW | 5,000 |
| Country Terrace Mobile Home Court (Boone) | WS | 5,000 |
| Dayton, City of | WW | 10,000 |
| # Peter Bockenstedt (Dubuque Co.) | AFO | 3,000 |
| # Dan Gotto (Dubuque Co.) | AFO | 3,000 |
| # Matthew Daly (Dubuque Co.) | AFO | 3,000 |
| Westside Park for Mobile Homes (Burlington) | WW | 7,000 |
| Gerald and Judith Vens (Scott Co.) | FP | 5,000 |
| Affordable Asbestos Removal, Inc.; Jeffrey Intlekofer (Ft. Madison) | AQ | 10,000 |
| # Eugene P. Reed, Ltd. (Henry Co.) | AFO | 1,500 |
| Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills) | WS | 1,000 |
| Sac County Golf and Country Club (Wall Lake) | WS | 3,000 |
| # Robert Fisher (Hamilton Co.) | AFO | 3,000 |
| Osceola, City of | WW | 5,000 |
| Rocky Knoll Mobile Home Park (Forest City) | WS | 3,000 |
| # Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.) | AFO | 3,000 |
| # Leonard Rayonds; Randy Schleusner (Hancock Co.) | AFO | 3,000 |
| Wendall Abkes (Butler Co.) | AQ/SW | 3,000 |
| Benefit Water District #2 (Boone Co.) | WS | 2,500 |
| Minsa Corporation (Red Oak) | WW | 10,000 |
| Dennis Severson d/b/a Huxley Dry Cleaners (Huxley) | AQ | 4,500 |
| Bruening Rock Products, Inc. (Decorah) | WW | 8,000 |
| Minnesota Rubber Company (Mason City) | AQ | 3,000 |
| New Virginia Sanitary District (New Virginia) | WW | 5,000 |
| Meadowknolls Addition (Linn Co.) | WS | 1,500 |
| Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.) | SW | 10,000 |
| Hawkeye Leisure Trailers, Limited (Humboldt) | AQ | 2,000 |
| Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama) | AQ | 1,000 |
| LT Tap (Waucoma) | WS | 500 |
| Iowa State University Heating Plant (Ames) | AQ | 1,000 |
| Iowa Air National Guard – 185 th Fighter Wing (Sioux City) | AQ | 1,000 |
| Minnesota Mining and Manufacturing d/b/a 3M (Knoxville) | AQ | 1,000 |
| Winter Mobile Home Park (New Hampton) | WS | 1,000 |
| Martin Marietta Material, Inc. (Ames) | AQ | 5,000 |
| Alliant Energy Corp. d/b/a Alliant Transportation (Williams) | AQ | 10,000 |
| # Leo Pieper (Guthrie Co.) | AFO | 2,500 |
| Bettendorf, City of | WW | 1,000 |
| Quality Mat Co., Inc. (Waterloo) | AQ | 8,500 |
| Ajinomoto USA (Eddyville) | AQ | 4,000 |
| Boondocks Truck Haven (Williams) | WS | 2,750 |
| # Dan Witt (Clinton Co.) | AFO | 3,000 |
| Houghton, City of | SW | 2,000 |
| Shell Rock Products, Inc. (Milford) | AQ | 10,000 |
| Twin Anchors R.V. Resort, Inc. (Story Co.) | WW | 5,000 |
| Kiefer Built, Inc. (Kanawha) | AQ | 10,000 |
| AGP Grain Cooperative (Klemme) | AQ | 5,000 |
| # Thomas and Jane Kronlage (Coggon) | AFO | 3,000 |
| Kinderland, Inc. (Dubuque) | WS | 1,500 |
| Brecht Enterprises, Inc. (Iowa Co.) | AQ/SW | 4,000 |
| The Farmers Co-Operative Society d/b/a Wesley Coop | AQ | 5,000 |
| Casey's General Stores, Inc. (Waukee) | UT | 3,800 |
| Charles City, City of | WW | 5,000 |
| All-States Quality Foods, L.P. (Charles City) | WW | 10,000 |
| Freisen of Iowa, Inc. (Storm Lake) | AQ | 10,000 |

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| Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.) | AQ | 10,000 |
| Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt) | AQ | 6,000 |
| Linwood Mining & Minerals Co. (Davenport) | AQ | 10,000 |
| Duane Crees (Muscatine Co.) | AQ/SW | 1,160 |
| J.W. Ready Mix and Construction, Inc. (Ft. Dodge) | AQ | 1,000 |
| James Nizzi d/b/a Alice's Spaghettiland (Clive) | WS | 3,000 |
| Knox Corporation (Davenport) | UT | 6,700 |
| Primghar Advancement Corp. | AQ | 10,000 |
| McDonald Construction, Inc.; Dwight McDonald (Eldora) | WW | 2,000 |
| R. Excavating, Inc.; Randy Golden (Pottawattamie Co.) | WW | 10,000 |
| Primghar Fire Department; City of Primghar | AQ | 4,000 |
| L & L Book Properties; Larry L. Book (Sioux City) | WW | 8,000 |
| Braddyville, City of | WW | 3,500 |
| Westbrooke Construction Co.; Speer and Lepic (Polk Co.) | WW | 4,000 |
| Winter, Inc.; Julius Winter (Iowa Falls) | AQ/SW | 500 |
| Sapp Development LLC; Todd Sapp (Sioux City) | WW | 1,500 |
| # Roger Bockes, et. al. (Tama Co.) | AFO | 3,000 |
| Fred Konfrst d/b/a Fred's Trash Service (Mills Co.) | AQ/SW | 5,000 |
| Randy Drey (Storm Lake) | AQ/SW | 2,000 |
| John Saathoff (Grafton) | AQ | 500 |
| Don Anderson; Brentwood L.L.C. (Polk Co.) | WW | 8,000 |
| # Floyd Kroeze (Butler Co.) | AFO | 3,000 |
| TOTAL | | 459,910 |

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|----------|---------------|
| * Robert Simon (Dubuque Co.) | AQ/SW | 100 |
| Swine Graphics Enterprises, L.P. (Clarke Co.) | WW/FP/WR | 10,000 |
| Spillway Supper Club (Harpers Ferry) | WS | 100 |
| * Lorene Logue (Lucas Co.) | AQ/SW | 50 |
| Western Iowa Limestone, Inc. (Logan) | AQ | 500 |
| Holian Asbestos Removal & Encapsulation (Charles City) | AQ | 2,500 |
| CMT Enterprise | AQ | 1,000 |
| Keokuk Steel Castings Co., Inc. (Keokuk) | AQ | 5,000 |
| Keokuk Steel Castings Co., Inc. (Keokuk) | AQ | 5,000 |
| # Nutrient Technologies, L.L.C. (Muscatine Co.) | AFO | 3,000 |
| Audubon, City of | WW | 3,000 |
| * R.V. Hopkins, Inc. (Davenport) | AQ | 500 |
| * Michael Roberts (Page Co.) | AQ | 75 |
| Fibre Body Industries, Inc. (Swea City) | AQ | 8,500 |
| TOTAL | | 39,325 |

The \$3,000 penalty assessed to Speltz Elevator Inc. (Worth Co.) has been rescinded.

The \$1,000 penalty assessed to Plum Enterprises; Clinton Graham (Polk Co.) has been rescinded.

| Name, Location, and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|---|-------------|-------------------|------------------------------|--|---|
| Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6) UPDATED | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Motion for Partial Summary Judgment | 3/20/00 4/19/00 2/26/01 |
| Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) | Air Quality | DNR Defendant | Defense | Petition Filed | 12/28/00 |
| Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2) | Wastewater | DNR Defendant | Defense | Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance | 7/17/00 8/07/00 8/15/00 10/03/00 10/16/00 |
| Crane, John & Frieda d/b/a | Wastewater | Discharge Limits | Order | Referred | 2/19/01 |

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| Hillside Mobile Home Park Ames (5) NEW | | | | | |
| Enviro Safe Air, Inc. Sioux City (3) UPDATED | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date Motion for Summary Judgment | 10/18/99 03/17/00 05/15/01 02/27/01 |
| Harter, James Brighton (6) | Wastewater | Stormwater – Operation Without Permit | Order/Penalty | Referred | 11/20/00 |
| Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6) UPDATED | Solid Waste | Illegal Disposal | Order/Penalty | Referred Motion for Judgment Hearing Order (\$1,000/Admin.) | 4/17/00 1/16/01 2/05/01 2/26/01 |
| Holnam Incorporated Mason City (2) | Air Quality | Excess Emissions | Referred to Attorney General | Referred | 3/15/99 |
| Huyser, James; Trust Trucking Lovilia (5) | Underground Tank | Site Assessment | Referred to Attorney General | Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed | 11/21/94 4/18/96 9/20/96 9/20/96 |
| Indian Creek Corp. Jasper Co. (5) UPDATED | Animal Feeding Operation | Failure to Retain; Freeboard Violations; Failure to Have Approved MMP | Referred to Attorney General | Referred Petition Filled Trial | 4/17/00 9/27/00 10/10/01 |
| Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4) | Animal Feeding Operation | Prohibited Discharge; Failure to Retain | Referred to Attorney General | Referred Petition Filed | 4/17/00 2/28/01 |
| Larson, Daryl Jones Co. (1) | Animal Feeding Operation | Freeboard Cleanup Costs | Referred to Attorney General | Referred Petition Filed Answer | 5/17/99 11/02/00 12/07/00 |
| Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1) | Solid Waste | Illegal Disposal | Order/Penalty | Referred | 4/17/99 |
| Lehigh Portland Cement Co. Mason City (2) | Air Quality | Construction Without Permit | Referred to Attorney General | Referred Petition Filed Trial Date | 8/17/98 11/05/99 10/29/01 |
| Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4) | Solid Waste | DNR Defendant | Defense | Petition Filed Answer Filed Petitioner's Motion for Summary Judgment State's Resistance Hearing Trial Date Summary Judgment Granted State's Notice of Appeal | 11/05/99 11/29/99 6/15/00 7/19/00 8/17/00 10/23/00 10/23/00 11/29/00 |
| Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5) | Solid Waste | Illegal Disposal | Order/Penalty | Referred | 2/15/99 |
| Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5) NEW | Wastewater | Discharge Limits | Order/Penalty | Referred | 2/19/01 |

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| Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) | Solid Waste | Permit Violations | Referred to Attorney General | Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Judgment | 12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 |
| Organic Technologies; Tim Danley; Ken Renfrow Warren Co. (5) UPDATED | Solid Waste Wastewater | Compliance Schedule; Cover Violations; Discharge Limits; Operation Violations | Order/Penalty | Referred Motion for Judgment Hearing Date | 7/17/00 1/22/01 3/13/01 |
| Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6) | Underground Tank | Site Assessment; Remedial Action | Order/Penalty | Referred Petition Filed | 3/20/00 8/01/00 |
| Phillips, Jeff; Phillips Recycling Story Co. (5) | Wastewater | Stormwater; Operation Without Permit | Order/Penalty | Referred Petition Filed | 8/16/99 9/12/00 |
| Rustad, Arlyn; Rustad Farms, Inc. Northwood (2) | Animal Feeding Operation | Confinement – Feedlot; General Criteria | Order/Penalty | Referred | 1/16/01 |
| Spillway Supper Club Harpers Ferry (1) UPDATED | Drinking Water | Permit Renewal Fee | Order/Penalty | Referred Penalty Paid Closed | 6/21/99 2/14/01 2/16/01 |
| White, Robert Jeff White, Dave Dallas Center (5) UPDATED | Air Quality; Solid Waste | Open Burning; Illegal Disposal | Order/Penalty | Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) | 4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 |
| Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3) UPDATED | Underground Tank | Site Assessment | Referred to Attorney General | Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment | 1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 |
| Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3) UPDATED | Hazardous Condition | Site Access; Other | Referred to Attorney General | Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted Motion for Summary Judgment | 6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00 2/20/01 |
| Zook, Russell d/b/a Haskins Recycling Ainsworth (6) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty | Referred Petition Filed | 5/17/99 9/12/00 |

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| Date Received | Name of Case | FO | Action Appealed | Program | Assigned To | Status |
|---------------|---|----|---------------------------|---------|-------------|---|
| 11/03/89 | Bridgestone/Firestone, Inc. | 5 | Site Registry | HC | Tack | Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99. |
| 5/08/90 | Texaco Inc./Chemplex Co. Site | 6 | Site Registry | HW | Tack | Settlement offer to be renewed 3/00. |
| 5/14/90 | Alter Trading Corp. (Council Bluffs) | 4 | Admin. Order | SW | Tack | Closure completed. Appeal dismissed. Closed. |
| 6/20/90 | Des Moines, City of | 5 | NPDES Permit Cond. | WW | Hansen | EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. |
| 7/02/90 | Keokuk Savings Bank and Trust; Keokuk Coal Gas Site | 6 | Site Registry | HW | Tack | Hearing continued. Status report requested from land quality bureau on 12/1/99. |
| 7/30/90 | Key City Coal Gas Site; and Howard Pixler | 1 | Site Registry | HW | Tack | Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99. |
| 9/25/91 | Archer Daniels Midland | 6 | Admin. Order | SW | Tack | Closure permit issued 1/10/00. Closure to be completed by 9/1/01. |
| 5/12/92 | Paris & Sons, Inc. | 1 | Site Registry | HC | Wornson | Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment. |
| 11/16/92 | Frank Hulshizer | 1 | Admin. Order/Penalty | SW | Tack | Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. |
| 4/05/93 | Mapleton, City of | 4 | WW Operator Certification | WW | Hansen | Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal. |
| 9/09/94 | American Coals Corp., Site 5 (Bussey) | 5 | Admin. Order/Penalty | SW/AQ | Tack | Release of closure funds approved by court. Case to be closed when transfer complete. |
| 10/07/94 | Titan Wheel International | 6 | Admin. Order/Penalty | WW | Hansen | Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. |
| 1/13/95 | Simonsen Industries, Inc. | 5 | Admin. Order/Penalty | WW | Hansen | 2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. |
| 3/23/95 | American Coals Corp. | 5 | Admin. Order | SW | Tack | Release of closure funds approved by court. Case to be closed when transfer complete. |
| 4/13/95 | The Weitz Corp.; Barton Solvents, Inc. | 5 | Admin. Order | HC | Tack | Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system currently being designed. |
| 6/20/95 | Toledo, City of | 5 | Permit Conditions | WW | Hansen | Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. |

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| | | | | | | 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. |
| 6/23/95 | Leonard C. Page | 4 | Admin. Order/Penalty | SW | Tack | Settled pursuant to 1997 agreement. \$250 to be paid by 3/15/01. |
| 7/03/95 | Donald J. Foreman d/b/a D & R Feedlots | 3 | Admin. Order/Penalty | WW | Hansen | 2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O. |
| 7/05/95 | Boyer Valley Co. | 4 | Admin. Order/Penalty | WW | Hansen | Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. |
| 7/10/95 | Gilbert Persinger/Smithland Store | 3 | Admin. Order/Penalty | UT | Wornson | SCR received - rejected. Review progress. Proposed for state lead. |
| 8/01/95 | Wilbur McNear d/b/a McNear Oil Co./Charter Oak | 4 | Admin. Order/Penalty | UT | Wornson | SCR received/rejected. Referral for state lead. Resolve penalty. |
| 9/20/95 | FKI Industries, Inc.; Fairfield Aluminum, Inc. | 6 | Admin. Order | WW/HC | Murphy | Negotiating before filing. Attorneys contacted 2/99. |
| 12/12/95 | Vernon Kinsinger; K & K Sanitation | 6 | Admin. Order/Penalty | AQ/SW | Tack | Clean-up progressing. Working with F.O. #6. Receiving penalty payments. |
| 1/12/96 | Clarence, City of | 6 | Admin. Order/Penalty | WW | Hansen | 1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. |
| 1/25/96 | Hidden Valley Mobile Home Park | 6 | Admin. Order/Penalty | WW | Clark | Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced. |
| 3/11/96 | Dallas County Care Facility | 5 | Admin. Order/Penalty | WW | Hansen | Facility inspected by FO. Now in compliance. |
| 5/07/96 | Lakeview Mobile Home Park | 5 | Admin. Order/Penalty | WW | Hansen | 6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution. |
| 5/16/96 | Grand Laboratories, Inc. | 3 | Permit Denial | WW | Hansen | Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision. |

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| 8/09/96 | Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593 | 1 | Admin. Order/Penalty | UT | Wornson | Tier 2 received. Negotiating penalty. Placed on State lead. |
| 10/17/96 | DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.) | 2 | Permit Revocation | AFO | Clark | 3/5/01 – Joint dismissal motion sent to DIA. |
| 10/28/96 | Fischer Controls International | | Permit Conditions | WW | Hansen | Negotiating before filing. |
| 2/19/97 | Cliff's Place, Inc. | 1 | Admin. Order/Penalty | WS | Hansen | Compliance initiated. 3/31/00 – Appeal to be closed. New owner. |
| 7/22/97 | Robert P. Frees; Elizabeth R. Mathes | 6 | Admin. Order/Penalty | SW | Tack | Settlement reached. Cleanup underway. |
| 8/05/97 | Biovance Technologies | 5 | Admin. Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |
| 9/17/97 | Keokuk Steel Castings | 6 | Admin. Order/Penalty | AQ | Brabec | Settled. 2/20/01 – Penalty payment received. Closed. |
| 1/16/98 | Pilgrim Heights Camp | | NPDES Permit Conditions | WW | Hansen | Negotiating before filing. |
| 1/23/98 | Sac City | 3 | Admin. Order/Penalty | WW | Hansen | Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00. 11/22/00 – Settled. City to contribute \$2,400 for SEP to Sac Co. Conservation Board and repair biodisc at City's WWTF. Settlement to be placed in administrative consent order. Consent order drafted. |
| 3/16/98 | Pathway Christian School | 6 | Admin. Order/Penalty | WS | Hansen | 3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal. |
| 4/03/98 | Cooperative Oil Company; Mickey Berg | 2 | Admin. Order | UT/WW | Wornson | Compliance complete. Review and close. Monitoring required Spring 2000. |
| 4/27/98 | Weise Corporation | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 7/01/98 | Ag Processing, Inc. | 4 | Permit Conditions | AQ | Preziosi | Negotiations continue. |
| 8/18/98 | University of Iowa | 6 | Permit Conditions | WW | Hansen | Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received. |
| 10/03/98 | Ag Processing, Inc. (Emmetsburg) | 4 | Permit Exemption Denial | AQ | Preziosi | Settlement close. |
| 10/06/98 | M & W Pallett Co. | 6 | Admin. Order | SW | Tack | Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch. |
| 10/08/98 | West Liberty, City of | 6 | Admin. Order/Penalty | WW | Hansen | Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. |
| 11/19/98 | Jacobs Energy Corporation | | Permit Denial | AQ | Preziosi | Negotiating before filing. |

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| 11/30/98 | Robert Diehl | 5 | Admin. Order/Penalty | WW/WS | Murphy | 12/28/00 – Plan of action was approved 7/00; will monitor progress. |
| 12/16/98 | Richard Swailes | | Permit Denial | FP | Clark | 5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation. |
| 12/24/98 | Keokuk Steel Castings Co., Inc. | 6 | Admin. Order/Penalty | AQ | Brabec | Combined with 9/97 order. Settled. 2/20/01 – Penalty payment received. Closed. |
| 1/13/99 | Bernadette Ryan | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 1/20/99 | Lonnie King | 5 | Admin. Order/Penalty | AQ/SW | Tack | Clean-up satisfactory. Settlement offer made 8/8/00. |
| 2/05/99 | West Union Cooperative Co. | 1 | Admin. Order/Penalty | WW | Murphy | 10/4/00 – Status report received. 2/1/01 – Settlement proposal from Coop. |
| 3/04/99 | Dayton, City of | 2 | Admin. Order/Penalty | WW | Murphy | 11/00 – City progressing on facility improvements. Will monitor for progress. |
| 3/08/99 | Peter Bockenstedt | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 3/16/99 | Des Moines Independent School District – North High School | 5 | Site Registry | HC | Tack | Settlement letter sent by solid waste section 12/20/99. |
| 3/18/99 | Ag Processing, Inc. (Sergeant Bluff) | | Title V Operation Permit Conditions | AQ | Preziosi | Hearing continued. Settlement meetings held 9/11, 9/19 and 9/28. Still negotiating. |
| 3/23/99 | Matthew M. Daly | 1 | Admin. Order/Penalty | AFO | Clark | 2/8/01 – Settlement offer by Daly. 2/27/01 Counter offer by Dept. |
| 3/23/99 | Daniel J. Gotto | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/15/99 | Robert Simon | 1 | Admin. Order/Penalty | AQ/SW | Tack | Settled. Paying penalty on payment plan. |
| 4/16/99 | Cargill (Sioux City) | 3 | Title V Operation Permit Conditions | AQ | Preziosi | Hearing procedure on hold pending outcome of task force. Settlement meeting held 9/13, 9/21 and 9/27. Settlement close. |
| 4/26/99 | Gerald and Judith Vens | 6 | Admin. Order/Penalty | FP | Clark | Negotiating before filing. |
| 7/19/99 | Celotex Corp. (Ft. Dodge) | 2 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 7/27/99 | Affordable Asbestos Removal; Jeffry Intlekofer | 6 | Admin. Order/Penalty | AQ | Brabec | Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General. |
| 8/13/99 | Farmland Foods, Inc. (Dubuque) | 1 | Construction Permit Conditions | AQ | Preziosi | Settlement close. |
| 9/08/99 | Linwood Mining & Minerals | 6 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 9/10/99 | Linwood Mining & Minerals | 6 | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 9/13/99 | Eugene P. Reed | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/13/99 | CIPCO | 1 | NPDES Permit Conditions | WW | Hansen | 12/29/99 – Appeal reviewed by wastewater permit writer. |
| 9/21/99 | Julie Rowe d/b/a Jewel's Food & Spirits | 1 | Admin. Order/Penalty | WS | Murphy | 12/99 – FO and WS tracking compliance. Letter sent 8/14/00 regarding resolution. Response sent 9/7/00; under review by WS. |

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|----------------------|---|----------|-------------------------------------|-----------|-------------|--|
| 9/21/99 | Farmland Foods, Inc. (Denison)) | 1 | Construction Permit Conditions | AQ | Preziosi | Settlement close. |
| 10/15/99 | Sac County Golf & Country Club | 3 | Admin. Order/Penalty | WS | Tack | Settled. \$2,100 settlement received 3/2/01. Closed. |
| 10/22/99 | Robert Fisher | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 11/03/99 | Cargill, Incorporated (Cedar Rapids) | 1 | Permit Conditions | AQ | Preziosi | Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close. |
| 11/10/99 | Michael L. Roberts | 4 | Admin. Order/Penalty | AQ | Tack | Settled. \$750 payment plan. \$75 per month beginning 1/15/01. |
| 11/12/99 | Osceola, City of | 5 | Admin. Order/Penalty | WW | Hansen | 1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff. |
| 11/12/99 | Logan, City of | 4 | Admin. Order | WW | Hansen | City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer and approved by Dept. New schedule incorporated into proposed consent order. 12/20/00 – Minor adjustments to schedule by City engineer. |
| 11/12/99 | Cargill, Incorporated (Iowa Falls) | 2 | Title V Operation Permit Conditions | AQ | Preziosi | Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close. |
| 11/15/99 | Industrial Energy Applications | 1 | Permit Denial | AQ | Preziosi | Meeting held 8/28/00. Still negotiating. |
| 11/15/99 | Rocky Knoll Mobile Home Park | 2 | Admin. Order/Penalty | WS | Tack | Compliance nearly completed. Penalty negotiations to begin upon compliance. |
| 11/19/99 | Climax Molybdenum Co. | 6 | Permit Denial | AQ | Preziosi | Meeting held 8/28/00. Still negotiating. |
| 12/01/99 12/08/99 | Iowa Select Farms, L.P./AG Waste Consultants, Inc. | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 12/08/99 | Cargill, Incorporated (Sioux City) | 3 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 12/10/99 | Leonard Rayhons; Randy Schleusner | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 12/17/99 | Edward Degeus | 2 | Admin. Order/Penalty | AQ | Brabec | Settled. Consent amendment issued. Penalty payment schedule established and on scheduled. |
| 1/04/00 | Aaron Berry | 4 | Admin. Order/Penalty | AQ/SW | Tack | Settled. \$500 on payment plan. \$100 per month beginning 1/15/01. |
| 1/06/00 | Wendall Abkes | 2 | Admin. Order/Penalty | AQ/SW | Tack | Sent to DIA 2/01/01. |
| 1/11/00 | Farmland Industries | 2 | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 1/20/00 | New Virginia Sanitary Sewer District | 5 | Admin. Order | WW | Murphy | 12/08/00 – Letter sent. Facility upgrade is proceeding; will monitor progress. |

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|---------|--|---|----------------------|-------|----------|--|
| 1/25/00 | Tire Environmental Services, Inc. | 1 | Permit Conditions | SW | Tack | Clean-up completed. Revised permit issued and accepted. Closed. |
| 2/07/00 | Benefit Water District #2 | 5 | Admin. Order/Penalty | WS | Murphy | Negotiating before filing. |
| 2/11/00 | Steven Reimers | 3 | Admin. Order/Penalty | AQ/SW | Brabec | Settled. Penalty plan established. Payments are on schedule. |
| 2/22/00 | MINSA Corporation | 4 | Admin. Order/Penalty | WW | Murphy | 11/30/00 – Letter sent. 1/15/01 – Letter from attorney regarding compliance progress. |
| 2/25/00 | Meadow Knolls Addition | 1 | Admin. Order/Penalty | WS | Tack | Negotiating before filing. |
| 2/28/00 | Bee Rite Tire Disposal Inc.; Jerry Yeomans | 5 | Admin. Order/Penalty | SW | Tack | Proposed decision 2/12/01. ALJ upheld AO with additional incentives for clean-up. |
| 3/02/00 | Dennis Severson d/b/a Huxley Dry Cleaners | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 3/21/00 | Bruening Rock Products, Inc. | 1 | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 4/05/00 | Minnesota Rubber | 2 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 4/11/00 | Hawkeye Leisure Trailers | 2 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 4/14/00 | Stateline Cooperative | 2 | Admin. Order | HC | Wornson | Tier 2 report submitted 11/28/00. Review. |
| 4/21/00 | LT Tap | 1 | Admin. Order/Penalty | WS | Clark | Negotiating before filing. |
| 4/24/00 | Tama Paperboard | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 4/24/00 | Carroll, City of | 4 | Permit Conditions | WW | Hansen | City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. |
| 4/26/00 | State Wide Metal Recycling, Inc.; Fred Bovee | 5 | Admin. Order/Penalty | SW/HC | Tack | District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw. |
| 5/04/00 | Iowa State University Heating Plant | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 5/10/00 | 3M Company | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 5/12/00 | Martin Marietta Materials, Inc. | 1 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 5/12/00 | Iowa Air National Guard – 185 th Fighter Wing | 3 | Admin. Order/Penalty | AQ | Brabec | Negotiations continue. Waiting to hear from facility. |
| 6/06/00 | Alliant Energy | 5 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 6/08/00 | Leo Pieper | 4 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 6/08/00 | Ajinomoto | 6 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 6/14/00 | Bettendorf, City of | 6 | Admin. Order/Penalty | WW | Hansen | 11/3/00 – Settled. Consent order drafted for signature by parties. 12/00 – Order signed and issued. |
| 6/14/00 | Quality Mat Co., Inc. | 1 | Admin. Order/Penalty | AQ | Brabec | Hearing continued until 3/5/01. |
| 6/28/00 | Speltz Elevator, Inc. | 2 | Admin. Order/Penalty | WW | Murphy | Settled. F1fish restitution payment received 2/16/01. Closed.. |

Environmental Protection Commission Minutes

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| 6/30/00 | Featherlite, Inc. | 1 | Admin. Order/Penalty | AQ | Brabec | Settled. Consent amendment issued; awaiting penalty payment. |
| 7/10/00 | Boondocks Truck Haven Café | 5 | Admin. Order/Penalty | WS | Hansen | Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-builts need to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports. New WS permit to be issued. |
| 7/10/00 | Lincoln, City of | 5 | Admin. Order | WW | Hansen | 10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal. 11/21/00 – FO 5 requests that case be sent to DIA to be set for hearing. |
| 7/12/00 | Malvern, City of | 4 | Admin. Order/Penalty | WW | Hansen | Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept to submit settlement offer to City. Hearing reset for 12/20/00. 12/18/00 – Settled. 1/29/01 – Consent order signed by both parties. |
| 7/13/00 | Dan Witt | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 7/31/00 | Shell Rock Products, Inc. | 2 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 8/02/00 | Wacker Biochem Corp. | 5 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 8/11/00 | Southeast Iowa CCI (Southland Pork L.C.) | 6 | Permit Issuance | AFO | Wornson | Hearing held 11/17/00. |
| 8/11/00 | Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart) | 1 | Permit Issuance | FP | Clark | 12/12/00 – Proposed decision. 1/13/01 – Appealed to EPC. |
| 8/11/00 | Twin Anchors RV Resort | 5 | Admin. Order/Penalty | WW | Tack | Negotiating before filing. |
| 8/11/00 | Kiefer Built | 2 | Admin. Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |
| 9/05/00 | Thomas Kronlage | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/07/00 | Iowa City, City of | 6 | Consent Order | WW | Murphy | 2/12/01 – City proposes SEP; under review. |
| 9/11/00 | Q.C. Metallurgical Laboratory, Inc. | 6 | License Suspension | | Wornson | Settlement reached. Monitor compliance. |
| 9/27/00 | Brecht Enterprises, Inc. | 6 | Admin. Order/Penalty | AQ/SW | Tack | Negotiating before filing. |
| 9/27/00 | Farmers Cooperative Society (Titonka) | 2 | Admin. Order Penalty | AQ | Preziosi | Negotiating before filing. |
| 9/28/00 | Kinderland, Inc. | 1 | Admin. Order/Penalty | WS | Hansen | To be sent to DIA to be set for hearing. |
| 9/29/00 | Charles City, City of | 2 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 10/02/00 | Agriprocessors, Inc. | 1 | Variance Denial | | Murphy | 12/28/00 – Hearing continued. |
| 10/03/00 | Casey's General Store (Waukee) | 5 | Admin. Order/Penalty | UT | Wornson | Negotiating before filing. |
| 10/03/00 | All-States Quality Foods | 2 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 10/03/00 | Friesen of Iowa, Inc. | 3 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/04/00 | Krajicek, Inc. d/b/a Krajicek | 4 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |

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|-----------------|---|----------|-----------------------------|-----------|---------------|--|
| | Bros.; Sara and Leonard Krajicek | | | | | |
| 10/05/00 | Sylvan Acres | 1 | Admin. Order | WS | Hansen | 10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. |
| 10/05/00 | J.W. Ready Mix & Construction | 3 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Linwood Mining & Mineral Corp. | 6 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Dodgen Industries, Inc. | 2 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Duane Crees | 6 | Admin. Order/Penalty | AQ/SW | Tack | Settlement offer made 11/14/00. |
| 10/12/00 | CMT Enterprises | 4 | Admin. Order/Penalty | AQ | Brabec | Settled. Penalty payment received 2/16/01. Closed. |
| 10/20/00 | AGP, Ag Processing | 6 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 11/13/00 | L & L Book Properties, L.C. | 3 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 11/17/00 | Swisher American Legion - #671 | 6 | Admin. Order/Penalty | WS | Tack | Negotiating before filing. |
| 11/17/00 | Holian Asbestos Removal and Encapsulation | 2 | Admin. Order/Penalty | AQ | Brabec | Settled. Consent amendment issued and penalty payment received. Closed. |
| 11/17/00 | McDonald Construction | 2 | Admin. Order/Penalty | WW | Tack | \$2,000 penalty settled for \$1,000; due 5/1/01. |
| 11/17/00 | James Nizzi d/b/a Alice's Spaghettiland | 5 | Admin. Order/Penalty | WS | Hansen | Settlement conference held 1/17/01. Settlement offer drafted. |
| 11/20/00 | Primghar Advancement Corp.; Primghar Fire Dept.; City of Primghar | 3 | Admin. Order/Penalty | AQ | Brabec | Settlement close. |
| 11/20/00 | Randy Golden d/b/a R. Excavating | 4 | Admin. Order/Penalty | WW | Tack | Negotiating before filing. |
| 11/21/00 | Knox Corporation | 6 | Admin. Order/Penalty | UT | Wornson | Partial compliance. Negotiate penalty. |
| 11/22/00 | Fansteel-Wellman Dynamics | 4 | Permit Conditions | SW | Tack | Negotiating before filing. |
| 11/28/00 | AGP Ag Processing (Emmetsburg) | 6 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 12/01/00 | Postville, City of | 1 | Admin. Order | WW | Murphy | Mediation set for 3/12/01. |
| 12/05/00 | Braddyville, City of | 6 | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 12/06/00 | Chris Evans | 1 | Lab. Cert. Revocation | WW | Wornson | Negotiating before filing. |
| 12/11/00 | Westbrooke Construction Co. | 5 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 12/12/00 | Keokuk Landfill, Inc. and Keokuk Contractors, Inc. | 6 | Admin. Order | SW | Tack | Settlement conference set for 2/7/01. |
| 12/12/00 | University of Northern Iowa | 1 | Permit Modification Denial | AQ | Preziosi | Negotiating before filing. |
| 12/21/00 | Winter, Inc.; Julius Winter | 2 | Admin. Order/Penalty | AQ/SW | Preziosi | New case. Settlement meeting held 2/2/01. Still negotiating. |
| 12/29/00 | Johnston, City of | 5 | Admin. order | WW | Hansen | New case. 2/1/01 – Meeting with City Administrator and Engineer. |

| | | | | | | |
|----------|----------------------------------|---|----------------------|-------|----------|--|
| 12/29/00 | | 1 | Permit Conditions | | Hansen | New case. WW permits staff to attempt to resolve appeal |
| 1/08/01 | Todd Sapp; Sapp Development L.C. | 3 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/11/01 | Guardian Industries | 1 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 1/22/01 | Country Fresh Eggs, L.L.C. | 2 | Permit Denial | WW | Murphy | Hearing set for 3/26/01. |
| 1/22/01 | Richard Bockes | 5 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 2/05/01 | Fred Konfrst | 4 | Admin. Order/Penalty | AQ/SW | Tack | New case. Clean-up of site completed. Penalty discussions continuing. |
| 2/07/01 | Randy Drey | 3 | Admin. Order/Penalty | AQ/SW | Brabec | New case. Possible settlement. Waiting to hear from attorney. |
| 2/08/01 | Con Agra | 2 | Permit Conditions | WW | Hansen | New case. |
| 2/21/01 | John Saathoff | 2 | Admin. Order/Penalty | AQ | Brabec | New case. |
| 2/23/01 | Don Anderson; Brentwood L.L.C. | 5 | Admin. Order/Penalty | WW | Murphy | New case. |
| 2/27/01 | Floyd Kroeze | 2 | Admin. Order/Penalty | AFO | Clark | New case. |

During the period January 1, 2001, through January 31, 2001, 1 report of wastewater by-passes was received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

| Month | Total | Avg. Length (days) | Avg. Volume (MGD) | Sampling Required | Fish Kill |
|-----------|-------|--------------------|-------------------|-------------------|-----------|
| October | 5(0) | 1.4(0) | 1.4(0) | 4(0) | 0(0) |
| November | 1(0) | 10(0) | 0.001(0) | 1(0) | 0(0) |
| December | 1(0) | 1(0) | .015(0) | 1(0) | 0(0) |
| January | 5(0) | 1.4(0) | .323(0) | 3(0) | 0(0) |
| February | 5(0) | .6(0) | 0.002(0) | 1(0) | 0(0) |
| March | | | | | |
| April | | | | | |
| May | | | | | |
| June | | | | | |
| July | | | | | |
| August | | | | | |
| September | | | | | |

(numbers in parentheses for same period last year)
Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 0 | 0 | 1 | 0 | 0 | 4 |

Catherine Fitzsimmons, Environmental Program Supervisor for the Air Quality Bureau presented the Monthly Reports in Mike Valde's absence. She said there she had an update on the rules schedule she said the third rule on the schedule went before the rules review committee who delayed the first three items on the rule making for seventy days because it involves an item that is under consideration in legislation.

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IR Q – TITLE EE B REVIEW

item.

The Commission will be asked to consider the SFY 2002 Title V Budget in anticipation of information. Expenditures paid from the Title V fee fund are detailed in the budget. A summary of anticipated revenues is outlined on the final page. A description all Bureau expenditure areas

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. The fee is used to support the development and Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

Total Title V Fund expenditures are proposed to be reduced from SFY 2001 budget levels by nearly \$81,000 in the draft SFY 2002 budget. Details on where “Notes” column.

Balance Forward Funds.

to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. By more carefully crafting the budget and tracking actual expenditures the

of 5%. In SFY 2001 the Bureau had an actual balance forward of \$1.24 million or 18%. This year the Bureau is anticipating a 5.5% balance forward. By reducing the level of over-budgeting

However, as this balance forward declines the annual fee must be increased to account for that loss of revenue.

The Air Quality Budget is divided into three primary areas: “Air Quality Program,” “Air Title V,” and “PM2.5 Monitoring.” Expenditures in the two primary (cost center) accounts and a variety of funding sources:

| Program Area | Funding Source* | |
|-------------------------------|-----------------|--------------|
| Air Quality Program includes: | 7220 | CAA 105 & GF |
| | 7419 | CAA 105 & GF |

Air Title V includes:

| | | |
|----------------------------------|------|---------|
| Title V Operating Permit Program | 7230 | TV Fees |
| Title V Field Program | 7421 | TV Fees |

PM 2.5 Monitoring includes:

| | | |
|---------------------------|------|---------|
| PM 2.5 Monitoring network | 7240 | CAA 103 |
|---------------------------|------|---------|

-
- * CAA 105: Clean Air Act section 105 grant – state match required
 CAA 103: Clean Air Act section 103 grant – no state match required
 GF: Legislatively appropriated General Funds
 TV Fees: Title V fees

Notes on Budget Spreadsheet Columns and notations:

Item: Numbered row for referencing line items.

Cost Center and Expenditure Category: Lists each of the three Expenditure Categories and six associated Cost Centers.

SFY 2001 Budget: July 1, 2000 - June 30, 2001

SFY 2002 Asking (draft): July 1, 2001 - June 30, 2001

Difference: Increase or Decrease (-) from previous year.

Notes: Details basis for Difference. Parenthetical numbers refer to related item numbers.

Brackets [] and sub-item numbering (eg. 30a - 30e): These rows are sub-items included in the primary item (eg. 30) total.

A bracketed number with a minus sign in front of it means that the budget sub-item was decreased by that amount.

| Item | Cost Center & Expenditure Category | SFY 2001 Budget | SFY 2002 Asking | Difference | Notes |
|------|--|---------------------|---------------------|--------------|----------------------------------|
| | <u>Air Title V - I&E (1556)</u> | | | | |
| | <i>FTE</i> | <i>1.00</i> | <i>1.00</i> | | |
| 1 | Personnel | 53,209 | 54,805 | 1,596 | 3% Increase |
| 2 | Travel in state | 158 | 201 | 43 | |
| 3 | Travel out of state | 1,553 | 1,204 | -349 | |
| 4 | Office Supplies | 780 | 852 | 72 | |
| 5 | Equipment maintenance | 1,342 | 0 | -1,342 | Moved to 7230 |
| 6 | Other supplies | 62 | 2,500 | 2,438 | Audio-Visual supplies |
| 7 | Printing and binding | 208 | 5,000 | 4,792 | Educational Information |
| 8 | Uniforms | 40 | 0 | -40 | |
| 9 | Communications | 1,786 | 0 | -1,786 | Moved to 7230 |
| 10 | Outside services | 1,228 | 1,228 | 0 | |
| 11 | ITS Reimbursement | 100 | 100 | 0 | |
| 12 | Equipment | 0 | 0 | 0 | |
| 13 | Equipment Noninv. | 613 | 613 | 0 | |
| 14 | Other expenses | 0 | 0 | 0 | |
| 15 | Indirect charges | 6,385 | 7,021 | 635 | Indirect 12.81% |
| | Total | 67,464 | 73,524 | 6,059 | |
| | | | | | |
| | <u>Air Quality Program (7220)</u> | | | | |
| | <i>FTE</i> | <i>16.50</i> | <i>16.50</i> | | |
| 16 | Personnel | 895,385 | 922,247 | 26,862 | 3% Increase |
| 17 | Travel in state | 2,607 | 3,317 | 710 | Change Based on Actual Past Exp. |

Environmental Protection Commission Minutes

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|-----|--|------------------|--------------|---------------|--|
| 18 | State Vehicle Operation | | 3,185 | -1,800 | |
| 19 | Vehicle Depreciation | | 4,769 | -1,224 | |
| 20 | Travel out of state | | 19,866 | -5,759 | |
| 21 | Office supplies | | 14,058 | 1,188 | |
| 22 | Facility maintenance | | 165 | -165 | |
| 23 | Equipment maintenance | | 18,194 | -3,949 | |
| 24 | Other supplies | | 248 | -776 | |
| 25 | Printing and binding | | 13,082 | 9,650 | |
| 26 | Uniforms | | 1,040 | 380 | |
| | Communications | 29,476 | | 5,000 | Public Outreach & Education |
| | Rent | 57,861 | | -523 | |
| 29 | | 2,946 | 2,946 | | |
| 30 | Professional Services (Total) | | 903,124 | 24,334 | |
| | Linn County Local Program Agreement | | [158,500] | [0] | |
| | Polk County Local Program Agreement | | [187,150] | -[122] | |
| | Computer Consultant Services | [5,893] | | [10,521] | Contracts for Spars, Firewall, & Communication |
| 30d | NOWCC | | [50,089] | [13,935] | |
| 30e | UHL Agreement | | [490,971] | [0] | asbestos |
| 31 | | 23,115 | 14,077 | | |
| 31a | Misc. | | [12,656] | [8,894] | Outreach WebPages, Audiovisual |
| 31b | | [17,932] | [0] | | Olsten Staff moved to NOWCC(30d) |
| 31c | | [1,421] | [1,421] | | |
| 32 | Advertisement & Publicity | | 30,690 | 29,452 | |
| 33 | Reimbursement to other agencies | | 5,792 | -4,742 | |
| 34 | ITS Reimbursement | | 1,898 | 248 | |
| 35 | Equipment | | 137,115 | -1,142 | |
| | Air monitoring & Lab equipment | [80,000] | | [0] | |
| 35b | | [42,632] | [54,161] | | New Computers |
| 35c | | [12,678] | [0] | | Moved to Equipment Noninventory(36) |
| 35d | | [2,946] | [2,954] | | |
| 36 | Equipment Noninv. | | 15,322 | 5,208 | |
| 37 | Indirect charges | | 118,140 | 10,694 | |
| | Total | 2,236,478 | | 84,607 | |
| | | | | | |
| | <u>Air Title V Program (7230)</u> | | | | |
| | | 38.50 | 38.50 | | |
| | Personnel | 2,037,488 | | 61,125 | 3% Increase |

| | | | | | |
|-----|---|-----------|-----------|----------|---|
| 39 | Travel in state | 6,083 | 22,265 | 16,182 | \$15,000 Computer training moved from 53c |
| 40 | | 9,969 | 7,624 | | Change Based on Actual Past Exp. |
| 41 | | 11,985 | 11,416 | | Change Based on Actual Past Exp. |
| 42 | | 59,791 | 23,177 | | Travel Reduced |
| 43 | | 30,030 | 22,322 | | Reduced |
| 44 | | 770 | 385 | | Change Based on Actual Past Exp. |
| 45 | | 51,667 | 38,207 | | Reduced Service Level |
| 46 | | 2,387 | 578 | | Change Based on Actual Past Exp. |
| 47 | | 8,008 | 7,207 | | Change Based on Actual Past Exp. |
| 48 | | 1,540 | 2,183 | | Change Based on Actual Past Exp. |
| 49 | | 68,777 | 70,563 | | Phone Data/Comm. Equipment |
| 50 | | 135,009 | 137,263 | | Change Based on Actual Past Exp. |
| 51 | | 6,875 | 6,875 | | |
| 52 | Professional Services | | 2,555,044 | -14,741 | |
| | Computer Consultant Services | [389,107] | | -115,933 | Microsoft, Novell, SPARS, Modeling, Firewall, |
| 52b | Linn County local program | [293,553] | [375,648] | | Salary Increase & Supplies |
| 52c | agreement | [410,840] | | 59,417 | Salary Increase & Budgeting correction |
| | Environmental Liaison (IDED) | [100,000] | | -20,000 | One-time project cost |
| | UNI Small Business Assistance agreement | | [361,000] | 0 | |
| | UHL Agreement | [803,823] | | 14,667 | 50% AAM, 65% Stack Testing, 50% EI |
| | EPA Airnow Project | [40,000] | | -40,000 | No project |
| | NOWCC | [84,360] | | 32,515 | Convert Olsten Staff to NOWCC (53d) |
| | KDSM - Fox 17 (Planet Patrol) | [3,375] | | 0 | |
| 52j | 13) | [3,725] | | 0 | |
| 52k | | [50,000] | [22,500] | | |
| 52l | Attorney General's Office | | [30,000] | 0 | |
| | Other | [0] | | 0 | |
| 53 | | 707,683 | 578,679 | | |
| 53a | Misc. | | [16,078] | 7,300 | |
| 53b | Computer maintenance (Software) | | [166,615] | -1,722 | AutoDesk, & Market Place |
| 53c | | [15,000] | [0] | | IT & staff training moved (39) |
| 53d | | [42,928] | [0] | | Moved to NOWCC (52h) |
| 53e | | [3,403] | [4,825] | | |

| | | | | | |
|-----|--|--------------------|--------------------|----------------|---|
| 53f | Merit Resources Positions | [469,237] | [391,162] | -78,075 | Contract staff for Voluntary Oper. Permits, regional modeling, planning, and air monitoring |
| 54 | Advertisement & Publicity | | 3,196 | 308 | |
| 55 | Reimbursement to other agencies | | 12,163 | -13,054 | |
| 56 | ITS Reimbursement | | 4,428 | 578 | |
| 57 | Equipment | | 249,659 | 5,889 | |
| | Air monitoring & Lab equipment | [120,000] | | 0 | |
| 57b | | [86,365] | [129,659] | | PC, Printers, Modeling, Hub/Switch, HP, SPARS, Novell/NT, UPS, & Misc. |
| | Computer software purchase | [30,351] | | -30,351 | Moved to Equipment Noninventory(58) |
| | Office equipment & furniture | [7,054] | | -7,054 | Change Based on Actual Past Exp. |
| | Equipment Noninv. | 23,601 | | 8,077 | Items under \$500 and Software(57c) |
| | Other expenses | 13,000 | | -7,352 | Change Based on Actual Past Exp. |
| | Indirect charges | 244,499 | | 24,334 | Indirect 12.81% |
| | | 6,264,668 | 6,157,999 | | |
| | | | | | |
| | <u>PM 2.5 Monitoring (7240)</u> | | | | |
| | <i>FTE</i> | | <i>0.00</i> | | |
| 61 | | 328,528 | 475,305 | | |
| 61a | Professional services - other | | [10,400] | 0 | |
| | UHL Agreement | [243,128] | | 146,777 | 34% AAM costs |
| | Polk County Local Program Agreement | | [40,000] | 0 | |
| | Linn County Local Program Agreement | | [35,000] | 0 | |
| | Equipment | 0 | | 31,000 | |
| | Total | | 506,305 | 177,777 | |
| | | | | | |
| | <i>FTE</i> | <i>3.00</i> | | | |
| 63 | Personnel | | 188,592 | 5,493 | |
| 64 | Travel in state | | 1,863 | 0 | |
| | State Vehicle Operation | 0 | | 0 | |
| 66 | | 0 | 0 | | |
| 67 | Travel out of state | | 750 | 0 | |
| | Office Supplies | 50 | | 150 | |
| 69 | | 0 | 0 | | |
| 70 | Equipment Maintenance | | 0 | 0 | |
| | Other supplies | 0 | | 50 | |
| 72 | | 50 | 50 | | |
| 73 | Uniforms | | 500 | 0 | |
| | Communications | 6,500 | | -200 | |

| | | | | | |
|------|--|----------------|----------------|---------------|-----------------|
| 75 | Rent | 0 | 0 | 0 | |
| 76 | Utilities | 0 | 0 | 0 | |
| 77 | Professional Services | 0 | 0 | 0 | |
| 78 | Outside services | 0 | 0 | 0 | |
| 79 | Reimbursement to other agencies | 650 | 650 | 0 | |
| 80 | ITS Reimbursement | 4,435 | 4,435 | 0 | |
| 81 | Equipment | 8,870 | 8,870 | 0 | |
| 82 | Equipment Noninv. | 0 | 0 | 0 | |
| 83 | Other expense | 0 | 0 | 0 | |
| 84 | Indirect charges | 21,972 | 24,159 | 2,187 | Indirect 12.81% |
| | Total | 228,739 | 236,419 | 7,680 | |
| | | | | | |
| | <u>Air Title V Field Program (7421)</u> | | | | |
| | <i>FTE</i> | 8.50 | 8.50 | | |
| 85 | Personnel | 472,964 | 487,153 | 14,189 | 3% Increase |
| 86 | Travel in state | 5,279 | 6,279 | 1,000 | |
| 87 | State Vehicle Operation | 4,500 | 4,500 | 0 | |
| 88 | Vehicle Depreciation | 9,000 | 9,000 | 0 | |
| 89 | Travel out of state | 2,125 | 3,125 | 1,000 | |
| 90 | Office Supplies | 850 | 850 | 0 | |
| 91 | Facility Maintenance | 0 | 0 | 0 | |
| 92 | Equipment Maintenance | 0 | 0 | 0 | |
| 93 | Other supplies | 400 | 800 | 400 | |
| 94 | Printing and binding | 50 | 50 | 0 | |
| 95 | Uniforms | 1,100 | 1,100 | 0 | |
| 96 | Communications | 18,500 | 18,500 | 0 | |
| 97 | Rent | 0 | 0 | 0 | |
| 98 | Utilities | 0 | 0 | 0 | |
| 99 | Professional Services | 0 | 0 | 0 | |
| 100 | Outside services | 500 | 2,500 | 2,000 | |
| 101 | Reimbursement to other agencies | 1,850 | 1,850 | 0 | |
| 102 | ITS Reimbursement | 12,565 | 9,165 | -3,400 | |
| 103 | Equipment | 25,130 | 22,130 | -3,000 | |
| 104 | Equipment Noninv. | 500 | 2,500 | 2,000 | |
| 105 | Other expenses | 0 | 0 | 0 | |
| 106 | Indirect charges | 56,756 | 62,404 | 5,649 | Indirect 12.81% |
| | Total | 612,068 | 631,906 | 19,838 | |
| | | | | | |
| | <u>105 Federal Grant & MOE</u> | | | | |
| 107 | Total Revenue | 2,666,922 | 2,565,546 | -101,376 | |
| 107a | General Fund | [1,346,000] | [1,346,000] | [0] | |
| 107b | Federal 105 air grant | [1,014,840] | [1,017,840] | [3,000] | |

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| | | | | | |
|------|--|------------------|------------------|------------|---|
| | Balance Forward | [306,082] | | -[104,376] | 105 Obligated activities carried forward (Air Toxics) |
| 108 | Total Expenditures | 2,465,216 | 2,557,503 | 92,287 | |
| 108a | Air Quality Program (7220) Total | [2,236,478] | [2,321,085] | [84,607] | |
| 108b | Air Quality Field Program (7419) Total | | [236,419] | [7,680] | |
| | Revenues - Expenditures | 201,706 | 8,042 | | |
| | | | | | |
| | Title V | | | | |
| 109 | Total Revenue | 6,968,053 | 6,865,939 | -102,114 | |
| 109a | Balance forward | [1,238,820] | [500,000] | -[738,820] | |
| 109b | Title V fees | [5,509,233] | [6,115,939] | [606,707] | See notes below |
| 109c | Fund interest | [220,000] | [250,000] | [30,000] | |
| 110 | Total Expenditures | 6,944,201 | 6,863,429 | -80,772 | |
| 110a | Air Title V - I&E (1556) Total | [67,464] | [73,524] | [6,059] | |
| 110b | Air Title V Program (7230) Total | [6,264,668] | [6,157,999] | -[106,669] | |
| 110c | Air Title V Field Program (7421) Total | | [631,906] | [19,838] | |
| | Revenues - Expenditures | 23,852 | 2,510 | | |
| | | | | | |
| | 103 Federal Grant | | | | |
| 111 | Total Revenue | 330,054 | 506,850 | 176,796 | |
| 111a | Balance Forward | [0] | [0] | [0] | |
| 111b | Federal 103 air grant | [330,054] | [506,850] | [176,796] | |
| 112 | Total Expenditures | 328,528 | 506,305 | 177,777 | |
| 112a | PM 2.5 Monitoring (7240) Total | [328,528] | [506,305] | [177,777] | |
| | Revenues - Expenditures | 1,526 | 545 | | |
| | | | | | |
| | Total Air Quality FTE | 67.50 | 67.50 | | |
| | Total Air Quality Bureau FTE | 56.00 | 56.00 | | |
| | Total Air Quality Budget | 9,737,945 | 9,927,237 | | |
| | | | | | |
| | Notes on Item 109b Title V Fees: | | | | |
| | SFY 2001 Fee based on Calendar year 2000 emissions of 220,785 tons at \$24.50 per ton | | | | |
| | Estimated SFY 2002 Fee based on 220,785 tons plus 20,000 new tons from Phase 1 Acid Rain facilities at \$25.40 per ton | | | | |

Catharine Fitzsimmons, Environmental Program Supervisor for the Air Quality Bureau presented the 2002 budget for the Air Quality Bureau. She said the majority of the Air Quality Funds are provided by air emission fees from the largest three hundred sources of air pollution in the State of Iowa. The Department assesses a tonnage fee for every ton of pollutant actually emitted from those facilities. In May, the Department will report to the Commission the actual number of tons emitted. The tonnage fee is determined by dividing the total amount budgeted in cost centers

7230 and 7241 by the actual number of tons. The Department anticipates a ninety-cent increase in the tonnage fee. She said in the past there has been a significant carry forward of Title V fees.

Brief discussion followed.

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DRINKING WATER STATE REVOLVING FUND – INTENDED USE PLAN FOR FY 2001

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with a copy of the draft Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) for fiscal year 2001. The IUP is the initial step in preparing a grant request for FFY 2001 DWSRF capitalization funds from the EPA.

The draft 2001 IUP includes the list of projects proposed to receive loan assistance through the DWSRF with the money available from the 2001 capitalization grant funds. Thirty-six applications were received, reviewed, and ranked using criteria contained in Chapter 44 of 567 IAC. The draft IUP lists the 36 applicants and their associated ranking. It is anticipated that, at a minimum, the eight highest ranked projects (with the possible exception of Sioux City) will receive loan assistance with the amount of funding available. The cities of Latimer and Andrew signed DWSRF loan agreements in previous years and have requested additional funding in FY 2001.

The EPA and Commission rules require opportunity for public input on the proposed IUP. A public hearing will be scheduled in May, with notices being sent to all interested persons or groups. A final IUP will be presented to the Commission for approval following the hearing and incorporation of any relevant comments or additional applications received.

(A copy of the intended use plan was distributed to the Commissioners.)

Jack Riessen from the Water Resources Bureau of Environmental Protection Division said this item was a draft copy of the plan, which delineates which entities would receive revolving loan funds for the drinking water program for the year 2001. The Department will present the plan for public hearing as required and will probably bring it back to the Commission in June for final approval.

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| INFORMATION ONLY |
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RESCISSION OF CHAPTER 567-IAC 118, “REMOVAL OF DISPOSAL OF POLYCHLORINATED BIPHENYLS (PCBS) FROM APPLIANCES PRIOR TO PROCESSING” AND ESTABLISHMENT OF A NEW CHAPTER 118 – ITEM FOR ACTION AT APRIL 2001 MEETING

At the regular April 2001 EPC meeting, the Commissioners will be requested to approve the Notice of Intended Action regarding the rescission of existing Chapter 118 and its replacement with a proposed new Chapter 118 entitled “Discarded Appliance Demanufacturing”.

The revised rule was developed in cooperation with an advisory committee comprised of representatives from the following stakeholder groups:

- a landfill collecting appliances (1),
- a transfer station collecting appliances (1),
- landfills involved with demanufacturing appliances (2),
- commercial appliance demanufacturers (2),
- an appliance processor (1),
- salvage yard operator (1),
- DNR field offices (2),
- Iowa Recycling Association (1), and
- Iowa Waste Reduction Center (1).

The group met and reviewed proposed changes several times. Because of the significant changes that were recommended, the Department proposes to rescind existing Chapter 118 and replace it with new Chapter 118 entitled “Discarded Appliance Demanufacturing”. The title of the chapter has been changed to better reflect that to which the chapter pertains, i.e., removal of environmentally unsafe materials from discarded appliances prior to recycling.

The proposed rule also establishes a permit program requiring facilities to obtain a permit to demanufacture discarded appliances. The existing rules only require PCB capacitors to be removed from appliances; anyone removing PCB capacitors must be registered with the department. The registration program was negligible and difficult to enforce. The new rules will require that demanufacturing facilities report to the department annually and renew their permit every three years.

Also, the existing rule does not protect the environment from the releases of refrigerants and mercury during the recycling and shredding of discarded appliances. The proposed rule will require all electrical parts containing PCBs, components containing mercury, and refrigerants to be removed from discarded appliances prior to being recycled or disposed. The rules will require the materials removed from appliances be properly stored and disposed.

The Solid Waste Rule Revision Plan was developed as a result of the Governor’s Executive Order #8 requiring improvements to all administrative rules so that they are up-to-date and current, meet present and future needs, are plain spoken, direct, productive and are necessary to carry out the laws of Iowa. This is the second set of rule revisions proposed following the Solid Waste Rules Revision Plan.

CHAPTER 118

DISCARDED APPLIANCE DEMANUFACTURING

567—118.1(455B, Division IV, Part 1, & 455D) Purpose. The purpose of this chapter is to implement Iowa Code sections 455B, Division IV, Part 1 and 455D.6(6) by providing rules for the proper removal and disposal of electrical parts containing polychlorinated biphenyls (PCBs), components containing mercury, and refrigerants (CFCs & HCFCs) from discarded appliances. All appliances must be demanufactured before being recycled or disposed. This does not prevent the reuse or rebuilding of discarded appliances or components for their original purpose.

567-118.2 (455B,455D) Permit Required

118.2(1). No person that is now or plans to be involved in the demanufacturing of appliances is allowed to conduct any demanufacturing activities until an APPLIANCE DEMANUFACTURING PERMIT (ADP) has been obtained from the Department of Natural Resources (DNR). The permit shall be issued for up to 3 years and is to be renewed every 3 years. The renewal application must be submitted to the Solid Waste Section in the DNR Central Office in Des Moines a minimum of thirty (30) days before permit expiration.

118.2(2) Exceptions.

- (a) Any person engaged in the demanufacture of appliances and registered with the department for removal and disposal of PCBs from appliances on the effective date of these rules may continue such activity while applying for a permit provided:
 - (1) the department is notified within thirty (30) days after the effective date of these rules of intent to file a permit application, and
 - (2) a permit application is submitted within ninety (90) days after the effective date of these rules.
 - (3) If an appliance demanufacturing permit has not been obtained within one (1) year of the effective date of these rules, the appliance demanufacturer must cease appliance demanufacturing activities because of a lack of a permit.
- (b) Any person engaged in the demanufacture of appliances on the effective date of these rules, but is not required to register because the pounds of capacitors removed is less than 200 pounds in a month or 500 pounds in a year, may continue such activity while applying for a permit provided:
 - (1) The department is notified within 30 days after the effective date of these rules of intent to file a permit application, and
 - (2) a permit application is submitted within 90 days after the effective date of these rules.
 - (3) If an appliance demanufacturing permit has not been obtained within one (1) year of the effective date of these rules, the appliance demanufacturer must cease appliance demanufacturing activities because of a lack of a permit.

118.2(3) Any person engaged in demanufacturing must be in compliance with all federal and state laws relating to the management and disposition of all hazardous wastes and refrigerants.

567—118.3(455B,455D) Definitions.

“Appliances” include, but are not limited to, refrigerators, freezers, kitchen ranges, air conditioning units, dehumidifiers, water heaters, furnaces, thermostats, clothes washers, clothes dryers, dishwashers, microwave ovens and commercial coolers from all sources that are discarded.

“Ballast” means an electrical device containing capacitors for the purpose of triggering high level electrical components. A ballast provides electrical balance within the high level electrical component circuitry.

“Capacitor” means a device for accumulating and holding a charge of electricity and consisting of conducting surfaces separated by a dielectric.

“CFC” means chlorofluorocarbons. Any of several compounds used as refrigerants.

"Demanufacturing" is the removal of components from appliances including, but not limited to, capacitors, ballasts, and mercury containing components, fluorescent tubes, and refrigerants.

"Discarded" means no longer going to be used for their original intended purpose.

"DOT approved container" means those containers approved by the US Department of Transportation, the agency responsible for shipping regulations for hazardous materials in the U.S.

"Facility" refers to any landfill, transfer station, material recovery facility, salvage business, appliance service or repair shop, appliance demanufacturer, shredder operation or other party, which may accept appliances for demanufacturing.

"Fixed facility" means a permitted appliance demanufacturer operating at a permanent location.

"Fluff" is the residual waste from the shredding operation after metals recovery.

"Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

"HCFC" means hydrochlorofluorocarbons. Any of several compounds used as refrigerants.

"Mobile operation" means a permitted appliance demanufacturer having equipment capable of operating in an area away from a fixed permitted location.

"Mercury containing components" mean devices containing mercury. Examples include, but are not limited to, thermostats, thermocouples, mercury switches and fluorescent tubes.

"PCB" and *"PCBs"* mean polychlorinated biphenyl. A chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of such substances.

"Reclaim" means to reprocess refrigerant to an EPA ARI-700-88 standard.

"Recovery" means to remove all refrigerants to EPA standards.

567--118.4 Storage and Handling of Appliances Prior to being demanufactured

118.4(1) Any person collecting and storing appliances must store them in a way to prevent electrical capacitors, refrigerant lines and compressors, and components containing mercury from being damaged and allowing a release to the environment.

118.4(2) No method of handling appliances may be used which in any way damages, cuts or breaks refrigerant lines or crushes compressors, capacitors, or mercury containing components that may or may not cause a release of refrigerant, PCBs or mercury to the environment.

118.4(3) No more than 1000 appliances may be stored at a location prior to being demanufactured.

118.4(4) No appliances may be stored for more than 180 days without being demanufactured.

567—118.5 (455B,455D). Fixed Facility and Mobil Operations. **The following removal and disposal requirements must be met by both fixed and mobile facilities:**

118.5(1) Demanufacturing of appliances must take place on an impervious floor (including but not limited to concrete, ceramic tile, metal; but not wood). Any spills must be contained and picked up with proper equipment and procedures and properly disposed.

118.5(2) *The demanufacturing facility must be located 50 feet or more from a well and any water of the state. A permanent facility must meet local zoning requirements.*

118.5(3) *An applicant must establish a unique marking system, to be submitted with the permit application for DNR approval, signifying that all refrigerants, PCBs, and mercury have been removed. The unique marking system must be a minimum of nine inches square and must be applied to the appliances after being demanufactured.*

567—118.7 Training

118.7(1) Beginning January 1, 2003, at least one owner or full-time employee must have completed a DNR-approved training course covering at a minimum, the following topics.

Regulations and procedures for the removal of refrigerant from appliances.

- a. Regulations and procedures for the removal of PCB capacitors from appliances.
- b. Regulations and procedures for the removal of mercury containing components from appliances.
- c. Regulations on the identification and removal of asbestos from ammonia gas operated refrigerators and air conditioners.
- d. Safety issues
- e. Spill prevention and appliance cleanup procedures appropriate for appliance demanufacturing.
- f. Proper storage, transportation, and disposal requirements of all recovered wastes from the appliance demanufacturing process.
- g. Hands on training of the demanufacturing process.

567—118.8 Appliance Demanufacturing Permit Application Requirements

118.8 (1) The permit application for appliances demanufacturing must contain the following information to be submitted on form 542-8005.

- a. Facility Name
- b. Office Address
- c. Location of Demanufacturing Facility if Different Than Office Address.

- d. Contact Person or official responsible for the operation of the facility.
- e. Type, source and expected number or weight of appliances to be handled per year.
- f. Schematic site plans of a fixed facility including the schematic floor plans of any buildings showing where activities will take place and where waste is stored.
- g. For mobile operations, provide schematic plans, or a description and photographs, of the mobile van or trailer
- h. A copy of the EPA Refrigerant Recovery or Recycling Device Acquisition Certification certifying that the equipment meets EPA requirements.
- i. Operation Plan: a detailed summary of the activities that will be performed on each type of appliance that will be considered for demanufacturing. This summary must include step by step activities of the demanufacturing process.
- j. A contingency plan detailing specific procedures to be used in case of equipment breakdown or fire, including methods to be used to remove or dispose of accumulated waste.
- k. A copy of the “Authorization to Discharge” (Stormwater) Permit number where applicable.
- l. A copy of EPA notification of PCB activity. Facilities with a PCB storage area need to register with form 7710-53. This form may be obtaining by writing to Fibers & Organics Branch, Office of Pollution Prevention & Toxics, US EPA, Ariel Rios Building (7404), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460.
- m. Submittal of documentation showing compliance with 118.7 (Training).
- n. A copy of the unique marking system to be applied to each appliance after being demanufactured.

118.8(2) Applications for permit renewal must address any changes to the items required subrule 118.8(1) above for a new permit. If there has been no change in an item, indicate such on the application form.

567—118.9 Inspections

118.9(1) Existing ‘registered’ facilities and existing facilities that were previously exempt from registration will be inspected by DNR prior to issuance of the initial demanufacturing permit. The permit will not be issued until the initial inspection report shows that the facility is in compliance with the proposed permit and these rules.

118.9(2) New facilities (facilities not in operation on the effective date of these rules) will be inspected by DNR prior to start-up. The initial inspection will be completed within 30 days of receipt of notice from the permit holder stating the facility is ready for inspection. The facility may not start operation until the permit holder is notified by the DNR that the initial inspection shows the facility is in compliance with the permit and these rules.

118.9(3) Appliance demanufacturing facilities will be inspected regularly by DNR.

567--118.10 Refrigerant Removal Requirements

118.10(1) All owners of refrigerant recovery and recycling equipment must provide certification to EPA that they have acquired and are using EPA approved equipment.

118.10(2) Refrigerants in appliances must be recovered to EPA standards (40 CFR Part 82.162) using equipment meeting EPA requirements or the person certified to remove refrigerants must verify that the refrigerant has been removed from the appliance prior to the appliance being removed for recycling or disposal.

118.10(3) The removal of refrigerants from refrigeration appliances must be done in an area where the temperature of the surrounding air and the appliance being demanufactured is 45 degrees F or greater.

118.10(4) Facilities that are not EPA certified refrigerant reclaimers must ship recovered refrigerant to an EPA certified reclamation facility or properly dispose of the refrigerant at an EPA permitted facility. Reclamation may only be done on site if the appliance demanufacturing facility is certified as a reclaimer by the EPA. Any refrigerants that are mixed or contaminated must be properly disposed of.

118.10(5) Compressor Oil

- a. Compressor oil from refrigeration unit compressors may be removed during the demanufacturing process.**
- b. Compressor oils are not hazardous and may be burned in waste oil fired space heaters provided the heaters have a capacity of 0.5 BTUs (British thermal units) per hour or more.
- c. Compressor oils may be sold to a used oil marketer.

118.10(6) Ammonia gas operated refrigerators and air conditioners.

- a. Ammonia gas must be vented into water**
- b. Sodium chromate must be removed from refrigeration equipment containing sodium chromate.**
- c. Sodium chromate liquid is a hazardous waste and must be disposed of at an EPA permitted facility.**
- d. Removal of liquid sodium chromate must be done on an impervious surface. In case of a spill, the spilled liquid and the material used as absorbent must be handled as a hazardous waste and disposed of as a hazardous waste.**
- e. Sodium chromate must be stored in a DOT approved container that shows no sign of damage and the container must be labeled with proper EPA approved chromium label**

stating “chromium” or “hazardous waste” (40CFR Part 761.45) in both English and the predominant language of any non-English reading workers.

- f. Prior to shipment, sodium chromate must be packaged to prevent leakage and all containers must be sealed.
- g. Persons generating sodium chromate waste must obtain an EPA identification number and maintain records to determine if the facility is a small or large quantity hazardous waste generator based on a yearly accumulation.
- h. Asbestos insulation found on refrigerant lines must be removed. Proper protective equipment must be used and proper procedures must be followed when removing asbestos. Safety requirements should comply with OSHA regulations.
- i. Asbestos must be moistened and double bagged prior to disposal at the approved landfill for your area. Contact the landfill and make arrangements for the disposal and further packaging and handling procedures.

567--118.11 Mercury Component Removal and Disposal Requirements.

118.11(1) All components containing mercury shall be removed from appliances. Precautions shall be taken to prevent breakage of the mercury containing components and the release of mercury.

118.11(2) All mercury component storage containers must be labeled with the proper EPA approved mercury label stating “mercury” or “hazardous waste”(49 CFR Part 172), in both English and the predominant language of any non-English reading workers. In addition to the label, the date when the first mercury component was placed in the container must be placed on the container (40 CFR Part 162).

118.11(3) All mercury containers must be sealed prior to shipment.

118.11(4) All components containing mercury must be disposed of at an EPA approved mercury recycling/recovery facility.

118.11(5) Fluorescent Tubes, Bulbs, etc. Fluorescent tubes, lamps, bulbs, and etc. must be placed in a container and packaged to prevent breakage for shipment to an EPA approved recycler or processed in a manner in compliance with state and federal regulations.

567--118.12(455B, 455D) Capacitor Removal Requirements.

118.12(1) All capacitors must be removed from appliances.

118.12(2) All capacitors are assumed to contain PCBs unless proven otherwise by an approved laboratory, unless the words "No PCBs" have been imprinted on the body of the capacitor by the manufacturer, or if the manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance or capacitor.

118.12(3) All PCB capacitors must be disposed of in accordance with subrule 118.12(5).

118.12(4) Capacitors which are proven not to contain PCBs may be disposed of or recycled as any other nonhazardous solid waste.

118.12(5) Containers for Storage & Disposal of PCB Items. PCB capacitors must be stored and transported according to TSCA [40 CFR Part 761] and disposed of at a TSCA permitted disposal facility. Facilities used for the storage of PCB items designated for disposal must meet the following storage requirements:

- a. PCB items must be stored in a manner to provide adequate protection from the elements and provide adequate secondary containment. This storage must take place on an impervious material.
- b. The site must be located above the 100-year flood water elevation.
- c. All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container, which shows no signs of damage. The bottom of the container must be filled to a depth of 2 inches with absorbent material (sand, oil-dry, kitty litter, etc.).
- d. All DOT approved containers must be labeled with an EPA approved 6" by 6" yellow label stating 'PCBs' (40 CFR Part 172), in both English and the predominant language of any non-English reading workers.
- e. The date, when the first capacitor was placed in the container, must also be placed on the container.
- f. All containers must be sealed prior to shipment.
- g. Capacitors can be stored for no more than 270 days.

118.12(6) Transportation. The labeled and dated container must be transported by an EPA approved PCB transporter using a TSCA "uniform hazardous waste material" form. From the first date entered on the container, the demanufacturer has one (1) year to have the contents buried at a TSCA landfill or incinerated at a TSCA disposal facility (40 CFR Part 761.65). This burial or incineration must be documented and this record kept by the demanufacturer for 3 years from the date the PCB waste was accepted by the initial transporter.

567--118.13-Spills.

118.13(1) Any spills from leaking or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and soil into a container for shipment to an EPA-approved waste disposal facility.

118.13(2) Mercury spill kits (with a mercury absorbent in the kits) must be on hand and used in the event of a mercury spill. Any mercury spill clean-up waste must be disposed of as a hazardous waste.

118.13(3) In the event of a spill resulting in a hazardous condition, the facility must notify the department of natural resources (515/281-8694) and the local police department or the sheriff's office of the affected county of occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset or discovery of a spill

567—118.14 Record keeping and Reporting

118.14(1) A permitted appliance demanufacturing facility is required to keep the following records on a calendar year basis:

- a. The name of the facility or facilities to which demanufactured appliances were shipped, the date of each shipment, the weight of appliances in each shipment and the name and address of the transporter.
- b. The name of the facility to which components containing mercury were shipped, including fluorescent tubes, the date of each shipment, the number weight of components and number of tubes shipped and the name and address of the transporter.
- c. The name of the facility to which sodium chromate was shipped for disposal, the date of each shipment, the amount shipped and the name and address of the transporter.
- d. The name of the facility to which refrigerants were shipped to be reclaimed, the date of each shipment, the amount shipped and the name and address of the transporter.
- e. The name of the facility to which refrigerants were shipped to be disposed of, the date of each shipment, the amount shipped and the name and address of the transporter.
- f. The name of the facility to which PCB capacitors and ballasts were shipped, the date of each shipment, the weight of capacitors shipped and the name and address of the transporter.

118.14(2) Annual reports with the information required in subrule 118.14(1) are:

- a. to be sent to the Solid Waste Section in the DNR central office in Des Moines, and a copy to the appropriate field office.
- b. due January 31st each year for the activities of the previous calendar year,
- c. to be submitted on forms provided by the department, and
- d. to be retained for at least 3 years by the permit holder.

567--118.15 Shredding of Appliances

118.15(1) Fluff from the shredding of demanufactured appliances must be sampled quarterly, at a minimum, for the presence of PCBs, lead, and mercury. The waste shall be sampled once a day for seven (7) consecutive working days, making a composite sample. If the total PCB amount is less than 50 ppm and if the TCLP results for mercury and lead are below 0.20 ppm and 5.0 ppm, respectively, a fluff may be landfilled.

118.15(2) No person or facility in the state may shred, crush, or bale any appliances, which have not been demanufactured.

These rules are intended to implement Iowa Code sections 455B, Division IV, Part 1 and 455D.6.

Liz Christiansen said this item would be brought back as a decision item at the April 2001 Commission meeting. She explained the background of the rule changes.

Terry Zeiem from J&RS Appliance said he had come before the Commission in November of 2000 about this issue. He said since that time he and Liz Christiansen had put together a task force including independent scrap iron suppliers, appliance recyclers, landfill and transfer station operators, and DNR staff. Together they developed a comprehensive plan to help everyone. He said he believed that this policy would be fair and equitable to everyone in the system.

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WASTE TIRE STOCKPILE ABATEMENT PROJECTS FOR 2001-2002

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Abatement Program

In 1996 The Iowa General Assembly passed legislation (HF2433), establishing a waste tire management fund, with a total of \$15 million to be allocated to the Department over six fiscal years (1997-2002). These funds are for the development of programs to

- encourage the proper management of waste tires by citizens,
- expand the end-use markets for products produced from waste tires, and
- clean up waste tire stockpiles that pose a threat to the environment and public health and safety.

The waste tire stockpile abatement program has been one of the most visible aspects of the tire fund's programs. **To date, 34 stockpile sites have been cleaned up, and more than 4.25 million tires have been removed through assistance, coordination, and cleanup contracts provided by the Department.**

Upcoming Projects

In an effort to remove the state's remaining tire stockpiles, the Department has recently issued request for proposal (RFP) packages for three (3) separate abatement projects. Bidders must submit their technical and cost proposals by March 20, 2001. The projects are as follows:

- Grell (Tire Chop) Stockpile, Ft. Dodge - 2.25 million+ tires
- Freland Estate Stockpile, rural Marshall Co. – 750,000+ tires
- “Regional” Stockpile Projects in NW, NE, SE, and SW Iowa - 630,000 total tires
 - NW Iowa, 8 sites, total of 278,000 tires
 - NE Iowa, 9 sites, 128,500 tires
 - SW Iowa, 9 sites, 47,000 tires
 - SE Iowa, 17 sites, 177,000 tires

Proposal Review, Recommendation and Work Schedules

Upon receipt of the bids, a staff of two (2) Department personnel and one (1) staff person from the Iowa Department of Economic Development will review and score the applications. Reviews will be subject to the criteria as established in Iowa Administrative Code (IAC) Ch. 567-218, and in accordance with the directions and specifications contained in the RFP documents.

The recommended contractors will then be presented to the Commission for the review and approval consideration at the April 2001 meeting. Work will then begin at the project locations

by May 1st, 2001. The following work schedules for beginning and latest completion date of the work is as follows:

- Grell Stockpile - May 1st, 2001 through April 30th, 2003
(extends beyond the “sunset” date of FY2002
for the current abatement program)
- Freland Stockpile - May 1st, 2001 through June 30th, 2002
- “Regional” sites - May 1st, 2001 through June 30th, 2002

Issues for Consideration

These bid projects are designed to facilitate the contract awarding and management process to cleanup the existing stockpiles of which the Department currently has information. However, the Department is aware that local officials, DNR field office staff, and citizens have stated that additional stockpiles may be present or undiscovered in Iowa.

As the current Waste Tire Fund is slated to “sunset” after the end of fiscal year 2002 (June 30th, 2002), consideration must be given to providing sufficient Department oversight for inspection, compliance, or assistance to prevent or abate further tire management problems in the future. With the progress that has been made to date with the current fund’s programs, it will be important to draft a future plan to ensure ongoing, responsible waste tire management for all of Iowa.

Liz Christiansen said they would be proceeding with the cleanup of the Grell stock pile in Fort Dodge so she has asked Mel Pins to give the Commission an update on the abatement projects that are taking place and to give some background on the cleanup of the Grell stock pile.

Mel Pins reviewed the history of the tire abatement program. He said while the Department has been able to clean up many of the on going non compliant sites there is still some work left to do. The Departments goal in this last year and a half of the program is to have a final campaign with contracts to clean up the remainder of the sites. There are still a number of locations across the state including two very large sites. In February the Department issued requests for proposals for eligible contractors to bid on three specific projects. He reviewed the details of the remaining projects saying that the state would be divided into four quadrants and bidders will have the opportunity to bid on any one or up to all four quadrants. These will be smaller stockpiles that will be grouped together as one bid. He said there will be a staff of two Department personnel and one person from the Department of Economic Development to review the applications using the criteria that has been set, which includes the price and the abilities. He said with the sunset date for the fund being June of 2002 they are striving to have all of the known tire piles cleaned up and hope to find a way to make sure these problems do not happen again but the only way that can be accomplished is through effective enforcement and making sure there is a place for the tires to go.

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PRESENTATION ON ANAEROBIC DIGESTION FACILITIES IN EUROPE

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Liz Christiansen and Dave Hogan (Bluestem Solid Waste Agency, Cedar Rapids) will give a short presentation regarding a recent trip to Germany, Austria and Belgium to visit anaerobic digestion facilities. The purpose of the trip was to visit these facilities first-hand to view and discuss with colleagues the possibility of technology transfer to the State of Iowa. Other trip participants included Lyle Asell, Interim Director of the Iowa Department of Natural Resource; Don Thomas, Commissioner of Streets and Public Works for the City of Cedar Rapids; and Mark Jones, Director of the Solid Waste Department for the City of Cedar Rapids.

Iowa currently produces about 900,000 tons per year of organic waste. While some options for managing organics exist, such as land application and aerobic composting, these opportunities are limited and localized. Most organic waste produced in Iowa is still landfilled, hence the need to promote and integrate (develop methods beyond land application or composting) organics recycling. The sources of this organic waste are both industrial and residential.

The state goal of reducing landfilling and seeking a higher and better use for waste materials coincides with IDNR's desire to integrate organics recycling. Some nitrogen organics are better suited for recycling through methods where ultimate control over temperature, moisture, and oxygen is possible. Technologies such as distillation and anaerobic digestion move organics recycling away from a land-based management approach to one where this level of control is achieved.

Europe has been the recognized leader in the development of alternative waste management techniques. The technology regarding anaerobic digestion reached one of its first practical applications for municipal solid waste management in several European communities in the 1980's and early 1990's. A facility at Salzburg, Austria has been in operation since 1993 and was one of the first large (20,000 metric tons per year) plants to incorporate source-separated household organics. Since then, facilities in Belgium, the Netherlands and Scandinavia have been developed, along with several other facilities in Germany. Success in these operations has forwarded the hope that digestion technology, with some adjustment, can be transferred elsewhere around the world and used for alternative waste management.

Anaerobic digestion offers a suitable and acceptable (given the ability to better control odors through ultimate control of inputs such as temperature, water and oxygen) means to manage some high nitrogen wastes where aerobic treatment such as composting would not be publicly acceptable. Methane is a by-product, which can be captured and used to produce electrical energy and heat. The residual organic material can be further processed for compost or land applied as a soil amendment.

Development of anaerobic digestion facilities in the United States has usually been associated with wastewater treatment or on-site manure management, *not* municipal solid waste management. Only recently has development occurred regarding the incorporation of source-separated industrial and household waste.

Liz Christiansen said Iowa currently produces about 900,000 tons of organic waste per year and will not reach their goal of diverting 50% of the waste from land fills until an alternative method of managing organic material is used. Europe is a recognized leader in various means of managing waste, including incineration, composting, and the use of anaerobic digesters for the management of organic waste materials. David Hogan, Director of Blue Stem Solid Waste Agency, Don Thomas from the Commission of Streets and Public Works for the city of Cedar Rapids, and Mark Jones, Director of the Solid Waste Department of Cedar Rapids traveled to Europe along with herself and Lyle Asell, Interim Director of the Department of Natural Resources to tour the anaerobic digestion facilities. Blue Stem Solid Waste Agency is an organization that is facing dwindling landfill capacity and has a waste stream that is approximately 60% organic material. By diverting that material to anaerobic digesters the methane generated by the process can be captured and used for the generation of electricity or steam. Liz Christiansen and David Hogan then gave a slide presentation of the various anaerobic digestion facilities that they toured. Liz Christiansen said David Hogan has been working with people in Europe to get digestibility tests run on the paper sludge and has visited Becon, an experimental facility west of Nevada that has larger than bench scale testing facilities that they hope to use to test some mixtures of material. An interdivisional team has been set up to help Blue Stem develop a request for proposals for the feasibility study. She said she thought there was a strong possibility of working with ISU and Becon on further research.

Gary Priebe asked what the cost to build a facility would be.

David Hogan said the facility in Brecht was build for just under \$15,000,000, however Europe's waste is very different than ours because they tend to separate at the source. It is his hope to build one for under \$20,000,000.

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NEXT MEETING DATES

April 16, 2001

ADJOURNMENT

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|---|
| <i>Motion was made by Gary Priebe to adjourn. Seconded by Randal Giannetto. Motion carried unanimously.</i> |
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 2:58 p.m., Monday, March 19, 2000.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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